

Excelsior College

The Southern West Virginia Coal Mine Wars:
An Interpretation

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of the Department of Liberal Studies

By

By Karen DM Harris

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Introduction

A hillbilly. A peculiar individual. That is what mainstream Americans think in today's society when they hear any mention of Appalachian dwellers. The typical stereotype is of an uneducated, backwoods, mountain-dwelling, live-off-of-the-land sort of individual. Such a preconception toward a particular group of people may have prevailed amongst the early twentieth century's coal barons and coal operators as they employed these Appalachian populations. As in most infant industrial occupations without organized labor, an extreme opposition amongst the coal miners toward their employers soon developed in southern West Virginia's coal mines. A conglomerate of native "hillbillies," Southern blacks, and European immigrants would emerge into a gun fighting oppositional force to the coal owners in what would later be known as southern West Virginia's bloody coal mine wars.

Serving as an encouragement to the coal miners was the United Mine Workers of America (UMWA), a wealthy nationwide organization of coal mine workers whose leaders coveted the membership of its last unconquered territory—West Virginia—where the local politicians, authorities and coal companies had forbidden the organization's presence. While the UMWA riled the West Virginia coal miners into an angry force against their employers, the UMWA's underlying main purpose of presenting itself into West Virginia territory remained hidden from both the coal miners and from most of today's history books. For such a discussion to occur regarding the behaviors of the UMWA is by no means to be of service to defend or excuse the actions of the coal operators, for the latter group also played a role in bringing about the events of the three

major coal mine wars that occurred between 1912 and 1921 in the southern West Virginia areas of Kanawha County, Mingo County, and Logan County.

The social position and function of the coal operators was preceded by that of the absentee landowners, dating as far back as the 1700s, long before West Virginia became a state in 1863. It was the absentees who took part in the historical events that would later both encourage and force the hillbillies (considered a peculiar people) to emerge from West Virginia's mountainous backwoods and to begin a new way of life working in the coal mines. Not to be discounted among the populations of coal miners during the coal mine wars are both the immigration populations recruited for the coal mines and the Southern blacks. However, these two groups do not enter history until around 1900, and their participation was miniscule.

It was prior to 1900 that West Virginia was known for its "peculiar people". In the 1870s, a hillbilly was known as a "peculiar person" by color writers, and thus by all of the readers whom they influenced, which entailed the literate cultures in the already-booming cities in mainstream America. The concept began with Will Wallace Harney's 1873 article as published in *Lippincott's Magazine* under the title "A Strange Land and Peculiar People," and the stereotype took flight from there (Henry D. Shapiro, 1978). The aspects of the high mountain Appalachian inhabitants were highly exaggerated, but nonetheless the movement of such belief of a peculiar race took hold of the American imagination with fervor. Inasmuch as the current media influences any given populations' thoughts today, no less did the color writers do so to influence 1870s era of Americans who had an abundance of access to creatively descriptive words of Appalachian inhabitants that journalists both inadvertently encountered and later

deliberately sought to encounter. No doubt, the readers embellished their own imaginations based upon their need and desire to fathom an alleged forgotten and thus peculiar population of Americans who actually resided as their distant neighbors in the West Virginia Mountains.

It was by way of 1870-1900's popular literature that the concept of a peculiar race found its way into becoming a fact in America's imagination. Mainstream Americans, who considered themselves the most progressive and civilized nation, frowned upon a population of people living off of the land of West Virginia's backwoods as if they had never progressed beyond the frontier days (Mary Beth Prudup, Dwight B. Billings, and Altina Waller, 1995; Shapiro, 1978). The backwoods people by no means were regarded as a progressive people like the rest of the American society regarded themselves. They were instead considered as being nearly unchanged after more than a century, and rendered no less than a degenerate race that had deliberately chosen to avoid progress and to remain peculiar (Shapiro, 1978).

In all actuality, West Virginia was not full of a peculiar people. Appalachia's population leading up to 1870 "was the result of the synthesizing of cultural traits from the English, Irish, Scotch-Irish, Welsh, Corkians, French Huguenots, Germans, Italians, African-Americans, several Native American populations [especially the Cherokee Indians], and smatterings of several other ethnic groups" (Wilma A. Dunaway, 1996, p.257).

A census that had been taken just before the color writers had emerged with their creative stories provides a direct account of who these "peculiar people" actually were. Though he specifically announced that the data was ten years old and as a result not

entirely accurate for his 1870 immigrant's guide, J.H. Diss Debar, the Commissioner of Immigration for the State of West Virginia, stated of the current immigrant population that "six-tenths are probably natives of the German States and Switzerland, three-tenths of Ireland, and the remainder of England, Scotland, Belgium, France, Denmark and Sweden" (p. 35). What local writers perhaps did see were certain illiterate people from these different ethnic groups—a people who had brought their various cultural habits with them, living in conditions of poverty deep in the mountainous woods of West Virginia. Such a diverse mixture of ethnicities living in the same geographical area does not constitute a peculiar people who deliberately ignored the industrial-capitalist progress that was occurring elsewhere in America. Quite simply, they shared a common economic fate, which the color writers then labeled as "peculiar."

What has not been discussed by the color writers are the industrial developments that had actually occurred in West Virginia territory before it became a state in the Union. For the industrial boom did indeed touch West Virginia during the mid-1800s, as will be shown. It was the extremely mountainous passageways that prevented much of the potential to extract the state's wealth of natural resources until nearer to the turn of the century, when West Virginia's legislature had been overtaken by a monopoly of politicians who also doubled as businessmen. It was a result of the political changes in the West Virginia legislature that led some of the absentees and other wealthy speculators to expand their business investments (with the assistance of West Virginia's political leaders) into West Virginia's natural resources. Both political leaders and capitalists consolidated their interests into expanding the railroad into the depths of West Virginia's mountains and to thus turn a profit for themselves by way of using the newly built

railroads to transport the extracted natural resources where these “peculiar” people lived. In actuality, those people who seemed peculiar to journalists were actually inhabitants that were positioned by historical and social occurrences onto the lower rungs of the socio-economic strata that had been created by the division of labor. They were not able to socially progress until capitalism created an economy in their geographic locations.

The southern West Virginia counties, where the coal mine wars would eventually occur, was among the last areas of the entire Appalachian Mountains where the seemingly peculiar backwoods way of living continued to exist for the longest duration. In fact, some of the people continued to live in such a frontier-like manner until into the twentieth century (Paul Salstrom, as cited in Prudup, et al, 1995). For it was not until the early 1900s when the coal mines began to operate in this area, drawing the so-called peculiar populations out of the mountains from their conditions of poverty and into the grasp of industrial capitalism.

Unlike the color writers that immediately shaped much of mainstream America’s lasting view of Appalachian inhabitants, it was not until the 1970s that a different historical perspective emerged regarding the peculiar people. New historical research places a great portion of the responsibility for their peculiar lack of maintaining a progressive society into the domineering hands of capitalism (Ronald L. Lewis, 1998). For the most part, historical scholars do agree that absentee landowners were a potent force to help create those peculiar people. What scholars do not agree upon are the different manners of how the actions and behaviors of absentees influenced the social and economical lives of these so-called peculiar people. Nor is there an agreement as to the

extent that these peculiar people allowed such an influence to occur. A new presentation of the events will, perhaps, lend a hand in making the decision here.

Chapter 1: The Origin of the Power Struggle

The southern West Virginia coal mine wars demonstrate a socio-economic and political class struggle between the coal miners and the coal mine owners and coal operators. This discussion shows no propensity to specifically justify either side's actions, but presents the historical data using sociological theory as a balancing tool to understand different perspectives. Although the coal mine wars occurred in the first quarter of the twentieth century, a fair presentation begins with the origination of land acquisition of West Virginia's richest portions of earth containing the wealth of coal within its seams. Much of the literature on the coal mine wars claim that absentees, speculators, and corporations exploited the powerless settler populations by using illegal methods to force the settlers and their descendants off of land that originally belonged to the settler families. This is the condensed perspective of the anti-absentee, et al., view.

Historians consider the absentees and speculators as a representation of West Virginia's ruling class. The absentees and speculators successfully and overwhelmingly dominated the land ownership in West Virginia since before the state's 1863 birth. Historians currently debate whether the ruling class abused their power to take the land from the settlers or if the ruling class operated within the current established laws to acquire such. Evidence shows that both situations occurred. An obvious assumption is that the absentees and speculators could have exercised their choice to not acquire the land during the circumstances when they had reasonable cause to believe that the land already belonged to another individual. In these scenarios, morality would drive an absentee's choice. Yet if scruples are a consideration in this discussion at any point to

ascertain a proper judgment toward the absentees' actions, then this debate loses its historical approach and entertains a new series of perspectives based upon opinions. Morality will not be addressed as a viewpoint in this discussion.

Barbara Rasmussen (1994) shows through her thorough research of court documents that absentees, speculators, and capitalists were always present in the history of land title ownership throughout the West Virginia region, dating back to the 1700s, before West Virginia separated from Virginia. As early the 1700s, during the "first days of settlement in the eighteenth century...absentees and speculators dominated enough of the...land to secure their control of the affairs in the region" (p. 18). Even the numerous farmers already in the area could not control any substantial portion of the land compared to the absentees and speculators.

By 1800, the absentees, et al., owned ninety-three percent of the land. Of that ninety-three percent, investment capitalist owned sixty-eight percent of the land and distant planter capitalists owned twenty-five percent of the land (Dunaway, 1996). The distant planters were absentees who rented land to tenant farmers. As such, tenant farmers were not landowners and therefore lacked control of the any of the decisions that were made among the absentees regarding the development of the land. The absentees developed the land only sporadically throughout the region until after the Civil War, when West Virginia was its own state and when the state's local politicians and business leaders afforded enticing investment opportunities to the absentees.

While this brief overview of West Virginia's absentee landowners is rarely disputed, disagreements remain as to how these individuals initially captured the land. The common belief that the settlers tried to use resistance toward the absentees from

gaining ownership over their land is found in many books that detail a brief history of the coal mine wars. If the assertion is true, and if power is described as “the chance of a man or a number of men to realize their own will in a social action even against the resistance of others who are participating in the action” (Max Weber, as cited in Charles Lemert, 1999, p.115) then the absentees did indeed abuse their power over the settlers to acquire the settlers’ land.

Power is also understood as the capacity to dominate. According to Steven Lukes (2005), “Power as a domination is the ability to constrain the choices of others, coercing them or securing their compliance, by impeding them from living as their own nature and judgment dictate” (p.85). Coercion, as used by Lukes, is a strong indictment against the absentees and will later be addressed, for there are some historical incidences when coercion did occur. It should be noted, however, that whereas coercion is an admitted abuse of power committed by the actions of the absentees, this is only one of the theories that are applicable to the historical incidents of absentee landownership.

Although Weber did not define domination as strongly as Lukes, he states that domination is a form of power that serves as a control over social action in the absence of coercion.

If...one looks upon the claims which law accords to one person against one or more others as a power...one may thereby conceive of the whole system of modern private law as the decentralization of domination in the hands of those whom the legal rights are accorded (Weber, as quoted in Lukes, 1986, p.29).

Contrary to popular belief, many absentees and speculators obtained their land legally. According to Lewis (1998),

West Virginia land has been either owned or claimed by a relatively few privileged speculators since colonial times. Most of southern Appalachia fell under the private control of large speculators well before a public domain existed or a federal policy was devised to govern its distribution (p.85).

What his research shows is that absentees possessed ownership of the land before settlers had even entered the area to establish homesteads. As Rasmussen shows, these absentees acquired many of their rightful claims during the early 1700s. While settlers did exist in the region during the 1700s, their presence was rare due to the existence of the Native American Indian tribes in the same area. Meanwhile, it was not a requirement of the absentees to actually settle on any of their land.

The absentees acquired more land after 1779 by utilizing a legal entanglement within the established law, albeit this time the absentees acquired land from the settlers who had already claimed, or had thought that they had claimed, the same parcels of land. The Virginia Land Law of 1779 established that certain preemption rights and claims under military and treasury land warrants were transferable to other persons (Otis K. Rice and Stephen W. Brown, 1993; and Rasmussen, 1994). Holders of such warrants most often stayed in eastern Virginia and thus sold their claims to wealthy purchasers (Rasmussen, 1994). Speculators and absentees purchased these land warrants with finances that they already possessed. The settlers who resided on these land parcels moved elsewhere as the legal owners of the land made their claims known.

The speculators and absentees legally purchased their land in accordance with the 1779 Virginia law. The power of the absentees and speculators to acquire land that was previously claimed by settlers came from the absentees' financial assets to purchase the military and treasury warrants and from the proper use of the legally established land laws. In this respect, the absentees and speculators did not use a coercive technique to force settlers off of the land: "Under the provisions of transfer in that [1779] law, speculators could acquire millions of acres of western land cheaply by purchasing grantees' rights for cash" (Rasmussen, 1994, p.35). According to Weber's view of dominance, absentees had the upper hand in claiming their rights to the land because they had the prior legal know-how to secure their rights to the land by legally purchasing the land and by properly recording their deeds. Settlers claimed their land "by the crops they grew, the fences they built, and the taxes they paid" (Rasmussen, 1994, p.44). The settlers' method of claiming land put them at a legal disadvantage. The absentees did not force the settlers off of their land in those situations in which the settlers made claims to the land without legally documenting their claims. The absentees acted in accordance to the 1779 Virginia land law. Any settlers who put up a resistance acted against the legal rights of the absentees.

Settling the land for economic development continued to prove to be a difficult, if not an impossible, task for the native settlers in the area. Throughout the early 1800s, "settlers continued to move westward, but the land regulations and administration of them by Virginia never kept pace. Confusion over rules combined with hope for land to assure that chaotic record keeping stayed in lockstep with settlement" (Rasmussen, 1994, p.42). After acquiring the land, the absentees deliberately kept the land in their

possession, believing that the earth was abundant with rich minerals that could be extracted at a later time (Dunaway, 1996). When the absentees sold their land before the resources were extracted, they inflated the prices so that only the local economic elite could afford the land. The practice of the absentees inflating land prices kept the region's land out of the hands of any small settlers who had plans to farm the land (Lewis, 1998).

The absentees exercised their rights to sell their land to whomever they chose. Naturally, they had the power to dominate the court systems—they were more educated and possessed the financial means to access the lawyers and court systems to legally acquire the land from others. In this respect, it is hard to find reason to fault their actions. There is no legal evidence and reasonable obligation that they should *not* have purchased the land. Nor was it their obligation to sell the land to those populations who would later become propertyless. According to Dunaway (1996, p.74), “As a direct result of such long-term investment strategies, land was out of reach of the bottom [population] segments of Southern Appalachia's settler families and their descendants” who would later become the peculiar people written about by the color writers during the 1870s.

Some of the absentees abused their power by using coercion to acquire their land. The use of coercion is evident when a collective group sharing a common goal uses its power to obtain its objectives in the face of resistance. In such circumstances of coercion, the absentees first monopolized the political system with politicians and local businessmen to maintain the enactment of laws in their favor. Rasmussen (1994) and John Gaventa (1980) show that absentees then used their political circles to threaten lawsuits against small landowners in order to coerce the smaller landowners to sell their land. Some of these lawsuits involved simultaneous claims to the land titles. Although

the coercive tactics used by absentees demonstrate an abuse of power, such situations did not dominate West Virginia's history as common myths lead readers of the West Virginia coal mine wars to believe.

The local and regional elite acted as mediators for the absentees while simultaneously feigning to act in the best interests of the local populations who possessed less affluence. In the early 1800s, "land jobbers protected the interests of distant engrossers against settlers and squatters who lacked political connections and legal sophistication" while "lawyers settled adverse claims and managed the lands of absentee heirs" (Dunaway, 1996, p.64). This middleman position gave the local elite their own dominant socio-economic and political positions while the absentees remained aloof from any local potential conflict from the lower classes (Gaventa, 1980). By having to work through a middleman, the lower class could not make their grievances known through the democratic process. Not only did the absentees not hear their grievances, but also the local elite did nothing to assist the settler people.

The settlers of the region of the western portion of Virginia witnessed economical advances in their area at the beginning of the industrial boom that took place prior to the Civil War. The lower-class locals tried to promote the growth of their local economies during the industrial development. However, the absentees utilized their own plans to develop the region, which was extracting the region's mineral and timber resources and selling the goods to economies in other geographic locations. All around, capitalists extracted timber and transported the fallen trees through the various waterways flowing through the region (Lewis, 1998). Small manufacturing businesses sporadically located in densely populated towns gave some nearby agricultural laborers a much-needed

second source of income (Dunaway, 1996). Farmers made attempts at capitalistic endeavors by selling their agricultural goods until the absentees and speculators brought their industrial reach to the region and overtook the economy. Some farmers succeeded while other farmers were too isolated from public transportation to compete successfully in the financial market (Dunaway, 1996; Rasmussen, 1994).

Small-scale farmers faced a barrier to economic growth: their neighbors. Families who possessed greater wealth than the small-scale farmers hired laborers or owned their laborers outright. In 1860, 9.3 percent of farm households owned slaves (Dunaway, 1996). Slaves consisted of four percent of the total population of western Virginia (compared to 30 percent of eastern Virginia), with 18,451 slaves belonging to 3,820 slaveholders (West Virginia Archives and History, 2007). Farmers in the mountainous range of western Virginia had little need to own slaves, leading to a low rate of existence of slavery there.ⁱ Still, as a result of these wealthier farmers in the western Virginia region, the expansion of the small-scale farms “was impeded by spatial competition with larger capitalist farms” (Dunaway, 1996, p.153). Only a minute portion of the region’s farmers succeeded at farming as a full-time occupation.

West Virginia’s mountainous terrain served as a deterrent to building access roads for the transportation of goods, therefore placing a limit on areas that could experience economic growth (Ronald D. Eller, 1982; John A Williams, 2003). Railroads made transportation easily available, though only to certain areas. Small concentrations of textile and glass factories existed in populated areas where the tracks had been built. However, the area’s industrial boom did not help the local economy to expand to other towns in the region, but rather kept it almost stagnant. The absentee investors did not

expand the public roads in the state to promote the state's economical growth, but instead extracted and exported the materials. The absentees were making their financial fortunes by selling their goods in other markets outside of the area, namely to the northeastern states. "The economic dominance of the export sector encouraged the development of Appalachian commerce and towns at a pace that far outstripped the emergence of local manufacturing" (Dunaway, 1996, p.246). The local manufacturing outlets were insufficient to fully sustain the local economies. The influx of laborers to the concentrated areas created a huge lack of available jobs, keeping a large portion of the population in perpetual poverty.

By 1860, almost forty-nine percent of West Virginia's households were landless. These households eked out a living as tenant farmers, sharecroppers, or wage laborers, often times relocating to areas wherever they could find work (Dunaway, 1996). Although the absentees receive the majority of the credit for taking land from the settlers and farmers, two other social dynamics also squeezed these populations off of their land: high birthrates and the Appalachian family tradition of land inheritance. According to Appalachian customs, when the father died, his land was divided equally among all of his male heirs. When Appalachia experienced its high birthrates during the 1800s, the subsequent population increases created numerous male heirs in the Appalachian families. As a result, many farmers soon found themselves owning far too little land to make a full-time living on (Dunaway, 1996; Crandall A. Shifflet, 1991). Overpopulation had a noticeable contribution to poverty in the western Virginia region.

"Mountain families were free to choose. They did not have to migrate to centers of rural industry. The chronic misery of rural life was a powerful push factor, yet

families had the means to adjust” (Shifflet, 1991, p.7). The propertyless western Virginians acquiesced to the absentees’ exploitive methods of the region’s resources and remained silent regarding their lack of economic opportunities afforded to them. The lower class allowed their own selves to be dominated by legitimizing the absentees’ domination over them and their economies.

According to John K. Galbraith (as cited in Lukes, 1986, p.214), “Property or wealth accords an aspect of authority, a certainty of purpose, and this can invite conditioned submission. But its principal association, quite obviously, is with compensatory power.” He states compensatory power as the ability to win “submission by the offer of affirmative reward—by giving of something of value to the individual so submitting” (p.213).

Galbraith’s theoretical concept alludes to the tenant farmer and sharecroppers, those lower classes that performed their tasks based upon their social roles without question. Utilizing Galbraith’s perspective challenges the exploration of Weber’s theory that the absentees abused their power to acquire land and to exploit the lower class of the western Virginia region. The absentees were not obligated to maintain their economic interests and functions solely in the localities of where their business endeavors occurred. In the absence of any obligation and overt exploitation, Galbraith’s theory holds true. The propertyless classes displayed their submission to the absentees by relocating to the areas where the work was located without overt rebellion. Not much can be stated for the small-scale farmers who were crowded out of business by the competitors or hindered from expanding their agricultural capital to other regions. These families were seemingly victims of capitalism, forced out of business by the very nature of what capitalism is.

Chapter 2: Leftover Influences and New Commanders

When West Virginia became a state in 1863, strong socio-economic class divisions existed. These divisions widened as immigrants flooded the state with their hopes to become independently successful farmers or to make a living as skilled wage earners. Absentees continued to seek fortunes from West Virginia's vast wealth of natural resources as they consolidated forces with the state's businessmen and helped a new elite class dominate the state's legislative activities.

Illiteracy was evident in all areas of the state, more so in the extremely mountainous areas, due to a lack of a free school system in the region before 1863. When funding became available for the schools, many hindrances prevented the successful education of the student population. The counties did not appropriate the available funds to build school houses. The towns hired unqualified and incompetent teachers. School superintendents did not adequately report to the state the progress (or lack of progress) that was occurring in their districts. There also existed a lack of attendance in the available schools (James Morton Callahan, 1913). Many mountain families deliberately chose to not send their children to school, but instead kept the children on the family farms or in their mountain homes to use their help as extra labor. Very often, farming and mountain families resided too far from the local free schools. However, the parents also wanted their children to learn the knowledge of living off of the land. Based upon their own experiences, the parents, who were considered to be a "peculiar people" by outsiders, believed that such survival skills were more important for their children than a school education (Rice and Brown, 1993). In 1901, when West

Virginia's industrial coal boom was in its infant stages, the state legislature passed a compulsory school law, which became effective in 1908 (Charles H. Ambler, 1951). The color writers also eased up on their embellished descriptions of West Virginia's backwoods inhabitants around this time (Shapiro, 1978).

In 1864, the West Virginia legislature created the position of Commissioner of Immigration to attract a new market of laborers to the growing industrial area (Eller, 1982; Rasmussen, 1994). J.H. Diss Debar was the first appointee to the position. He authored an immigrant's guide to the state of West Virginia and highlighted the immense agricultural capacities of the area's region. The guide included a farming calendar and remarks of a potential market profit for agricultural crops, claiming no less than thirty-five garden vegetables and twenty herbs that "attain[ed] perfection in the open air in every section of the State" (Diss Debar, 1870, p.76). He enticed immigrants with the lure of cheap land with the claim that "no stranger seeking a home, or profitable investment, need to shun West Virginia lands, of which several millions of acres, in responsible private hands, may be obtained" (p.169). Diss Debar described land leasing options for immigrants who could not afford the price of a land parcel. Utilizing land leasing options meant that the immigrants agreed to build homes and fences on the land and to plant gardens and orchards. The immigrants agreed that when their land leases expired the improvements revert to the owner, unless the contract provides, that the tenant shall have the option to purchase the land and improvements at a stated price at the end of his lease. The latter clause brings the acquisition of lands within reach of immigrants of very limited means (p.170).

In actuality, immigrants could not acquire their own land with such ease. They located jobs working in manufacturing occupations or in outdoor industrial occupations, but the immigrants rarely had the opportunity to invest in land ownership. The land that was available for purchase went into the hands of absentee speculators who continued to take advantage of the fluctuating opportunities to acquire ownership of the state's wealth of resources.

West Virginia endured several changes in its land laws during its first decade as a state. Initially, the state legislature adopted the confusing methods of land ownership that it had inherited from Virginia's legislature. When land was sold in the western portion of Virginia in the late 1700s:

the state allowed every buyer to establish his own boundaries (!) [sic]; and later, when she reluctantly and gradually entered upon the policy of forfeiting titles for non-payment of taxes, she first found many boundary disputes and subsequently discovered that many tracts had never been entered upon the commissioners book for assessment (Callahan, 1913, pg.179).

As a result Virginia's lenient laws, pioneer settlers were most often the ones who lost their claim to land after absentees made a claim to the same land. (The absentees most often won because they recorded their land deeds with the proper state authorities.) Even when the state legislature lowered the cost of land in 1792 to a more affordable price for the pioneer settlers, the absentees still purchased the majority of the land. In 1831 and 1835, the Virginia legislature made into law "two acts which provided for the forfeiture of [absentee-owned land] titles returned delinquent (and not redeemed) and for

the protection of pioneer settlers” (Callahan, 1913, p.179). West Virginia adopted these policies in 1863.

According to Callahan (1913),

In a statute of 1869 her [West Virginia] legislature provided for the proper entry of all land and imposed forfeiture as a penalty for failure to enter land on the books for a period of five years, but allowed the owner to redeem it within a year” (p.179).

The new land law was especially important to settlers since the law gave settlers the opportunity to acquire land parcels after absentees and speculators did not pay taxes on them. The 1869 land law created an especially important victory for those settlers who won their claims to land after simultaneous claims by absentees became delinquent. The differing land laws between Virginia’s legislature and West Virginia’s legislature created litigations on a grander social class scale, beyond the claims of lower-class settlers. Several court cases ensued in which Virginia’s old-money claimants to the land lost their lawsuits against West Virginia’s new claimants to the land when both sides claimed the same parcels. (Some of the Virginia claimants were inheritors of land parcels from their absentee ancestors.) The loss of such land claims ensured that “West Virginia lands would be controlled by the state’s new bourgeois industrialist-politicians rather than the old landed aristocratic speculators. Industrialists now had the upper hand” (Lewis, 1998, p.87).

West Virginia’s largest corporation, the Baltimore and Ohio (B & O) Railroad, also hand the upper hand in controlling the state’s political and economical direction. The B & O Railroad refused to pay local and state taxes due to the legalities enacted in

1847 by the state of Virginia. The B & O Railroad was chartered in 1847 in Virginia to connect Virginia to the Ohio River along with several tax exemptions granted to the corporation to accomplish the endeavor (Rice and Brown, 1993). At the onset of West Virginia's creation in 1863, the state legislature ruled that corporations did not have to pay taxes. The state legislature made this decision in order to allow a much needed capital to be invested into the state's economical growth (Callahan, 1913). The majority of the members of the 1863 Constitutional Convention "recognized the importance of the Baltimore and Ohio Railroad, a private corporation, to its [West Virginia's] economic viability" (Rice and Brown, 1993, p.143). The B & O Railroad took advantage of its freedom and built tracks wherever the corporation's owners desired.

The B & O Railroad's power extended to other railroad companies in West Virginia since the corporation directed the construction routes of other railroads passing throughout the state. Industry arrived and created economical pockets wherever the railroads were built. The railroad companies (more so the B & O Railroad Company) had the capacity to control when and where industrialism spread in West Virginia. Accordingly, as cities fought to have a railroad line pass through it (for economical gain) the B & O Railroad Company made the majority of its decisions based upon the company officers' own political and economical advantages (Callahan, 1913).

The railroads caused a new focus of politics along county seats in West Virginia. Politicians lost their political influence when the construction of the railroads caused several county seats to change locations. As a result, local elites struggled amongst themselves "to relocate county seats along the transportation corridors where economic development would follow" (Lewis, 1998, p.211). The old neighborly agrarian political

manner became disrupted and divided by the new industrialists who continued to gain political influence in West Virginia.

West Virginia held a second Constitutional Convention in 1872, instigated in part as a result of anti-railroad sentiments prevailing among some of the old political parties who had originally been against West Virginia's separation from Virginia. The widespread fear among many of those in attendance was that the B & O Railroad would at some point actually control the state, especially since the B & O Railroad was West Virginia's largest corporation in operation (Callahan, 1913; Lewis, 1998). Some of the politicians in attendance held the belief that the B & O Railroad's current lines of transportation would cause new immigrants to deviate to the Ohio Valley instead of settling in West Virginia (Callahan, 1913; Rice and Brown, 1993), where extensive efforts had been in progress since 1870 to recruit immigrants to fulfill the labor positions projected to be needed for the economical growth spreading in the area.

"The constitution of 1872 was written with language intended to prevent railroad officials from exercising undue influence in government policy" (Lewis, 1998, p.61). The Constitutional Convention of 1872 prevented salaried officers of all railroad companies from holding a seat in the West Virginia legislature (Callahan, 1913; Rice and Brown, 1993). More laws enacted in 1873 made it illegal for two railroad companies to consolidate traffic plans and abandon routes through towns after such routes already had legal approval. The new laws also gave the West Virginia legislature the authority to enact legislation to regulate the business actions of corporations and the ability to enforce the new legislative laws when such laws were broken (Lewis, 1998). West Virginia's

agrarian politicians created these laws in an attempt to gain control of their portions of the state's economy.

West Virginia's politicians also held the 1872 Constitutional Convention with the intention to settle much of the political protest from the anti-separation (of West Virginia) of agrarian supporters. The old Virginia supporters, who did not support the 1863 West Virginia Constitution due to either their absence fighting for the Confederates in the Civil War or their direct abstinence from voting for the new state's constitution, attended the convention to assist in reversing the land law of 1869. The 1872 Constitutional Convention "recognized titles obtained under the previous state[']s 1863] constitution. This great leap backward was among the land clauses that later gave rise to so many lawsuits and strengthened the grip of absentees on the land" (Rasmussen, 1994, p.83). The new laws for defining land titles were written by lawyers who had direct knowledge of the land registry law of the state, as most lawyers were of the old Virginia order (Lewis, 1998; Williams, 2003).

The latest reversal of land laws once again resulted in many litigation actions over the proper ownership of the land. With the new onset of confusion over the new land laws, the new purchasers of land "had greater understanding of litigation procedures and access to the courts, and the result was that some families who had resided on the land for generations lost the ownership" (Eller, 1982, p.52). Mountain families sold their rights to the minerals underneath the surface of their land at inexpensive prices, not realizing that a future industrial boom would soon change the land's value and make the new owners very wealthy (Eller, 1982; Gaventa, 1980).

Although the politicians originally fought to control the state's economical direction, by the 1890s most of the leaders in West Virginia's social and political arena catered to the absentees' desires, for the politicians themselves gained economically from the industrial boom. The industrialists who invested capital into the region gained control of the political circles that governed the state. Soon "those who controlled the jobs also controlled the political systems" (Eller, 1982, p.xxi). By this time, the powerful group of governors and senators of West Virginia were not actually West Virginia natives but were industrialists from outside of the state. The new politicians had partial ownership in industrial mineral-extracting companies and therefore welcomed absentees and their business into West Virginia (Lewis, 1998; Williams, 2003).

West Virginia's native elite also assisted the absentees in gaining access to West Virginia land. The native elite purchased land from less affluent and less politically advanced West Virginia locals and sold the land to outside investors. In doing so, the native West Virginia bourgeoisie "handed over the region's economy and its future to absentee control" (Eller, 1982, p.63). The lower-class locals realized too late that a power struggle existed. By the turn of the century, the deceitful behaviors of the affluent West Virginia natives and absentees angered the lower-class residents, though they did not fight back beyond their mumbled complaints (Eller, 1982; Gaventa, 1980).

Lukes's theory about power shows why the propertyless class quietly complained about the existing power struggle with the absentees and affluent West Virginians as opposed to initially fighting to have their own voice in the political scene. It is first important to understand that Lukes's power theory is built upon a theory originally developed by Peter Bachrach and Morton Baratz. The latter two believe that those

parties who use power to their benefit to enact social, political, and economic change also use power to prevent the lower classes from having their grievances and disagreements heard in a democratic decision-making process. Bachrach and Baratz state that grievances do exist among the less powerful groups, but the power elite show an oblivion to such grievances because actions committed by the power elite prevent lower-class grievances from being heard. In such a situation, a “false consensus lead[s to] the acceptance of the *status quo* by the dominated” (Gaventa, 1980, p.11). This is evident from the 1872 Constitutional Convention, when lawyers made new provisions for interpreting the land laws that led to more absentee landownership while the less affluent class lost their land to the absentees. Those who became propertyless were not included in the 1872 political decision-making process. The powerful class of lawmakers and absentees prevented the lower classes from acquiring their own land since the 1700s. However, it was the 1872 land law that spewed forth the final division between the haves and the have-nots as the turn of the century neared.

Lukes furthers the theoretical approach of Bachrach and Baratz to show that the powerless class would not consider making their grievances against the power elite known to begin with. The real power of the elite rests in preventing conflict from arising among the class of people who would otherwise disagree with the decisions made by the power elite (Lukes, 2005). This theoretical approach claims that the absentees et al. exercised their power over the propertyless in a manner that actually determined and shaped what the propertyless populations wanted. With the power elite using influential thought control during the late 1800s, the propertyless classes found it inappropriate to challenge the absentees. The propertyless classes did not understand at the time that the

absentees and local politicians consolidated forces to exploit the settlers and immigrants. A conclusion derived from this theoretical approach is that West Virginia's power elite and the absentees controlled the beliefs of the propertyless classes in the state to the benefit of the power elite classes but to detriment of the propertyless classes (Gaventa, 1980).

In West Virginia, it is likely that those who became propertyless had either been long time settlers who were illiterate or recent immigrants who spoke little, if any, of the English language. The propertyless did not have the resources to win their land from the absentees via the litigation processes. Instead, the lower class individuals did not resist but instead followed the land laws as they understood them and obeyed the court decisions made in favor of the absentees. Settlers also sold their land to their local West Virginians without prior knowledge of the wealth of minerals within the earth. In the latter occurrences, the absentees did nothing illegal in purchasing land from the settlers because the settlers complied. Those groups who became propertyless acquiesced to the decisions made by the court system. Those who realized too late that they were deceived into selling their land or their rights to the minerals in their land were obliged to comply to the law because the legal paperwork had already been signed.

As Bachrach and Baratz's theory implies, those who became propertyless by the decisions made by the courts were not initially included in the law-making process. The lower class had no choice but to acquiesce to the absentees. As a result, the thought of rebelling against the actions of the power elite did not enter their minds. Their lack of rebellion shows the concept of power as Lukes theorizes – those with power receive full compliance in getting others with no power to do what those in power want them to do,

without resistance, because those without power believe they are doing what they should do anyway. No force is needed.

Chapter 3: Transition To the Coal Fields

There is no evidence of mass movements of people occurring in West Virginia after the settlements of the 1850s through the 1880s as the state was slowly industrializing. From 1880 and through the next two decades, a huge influx of outsiders occurred for the purposes of land development for timber and the industrial business development of the coal mines. It was also from 1880 through 1915 that a mass mobility of the native inhabitants is noted, as well as a mass migration of laborers into the state (Eller, 1982; Shifflet, 1991). The coal industry took on a noticeable boom in 1900, brining the "peculiar persons" out of the mountains and into coal towns for employment. With the mass migrations of both West Virginia natives and newly arriving labor occurring, their relocations are evidence that geographic mobility in the mountainous state was possible for the populations that sought employment.

Prior to 1900, the majority of coal that was mined in the United States came from Ohio, Indiana, Illinois, and Pennsylvania. It was the advent of the railroads seeking an increasing market in West Virginia that helped formulate the industrial boom, especially since the coal mines were most often located in isolated areas where easy transportation was a unique problem. Railroads assisted the coal industry by transporting coal and thus greatly helped to spread business into the West Virginia coal mines, as well as spreading business to the railroad companies themselves.

The industrial boom would not have been possible without the workers who were willing to work for low wages. It may appear that the workers were initially exploited for their cheap labor. What is perhaps little known is that prior to 1900, many areas in the

mountainous state already had a chronic problem of poverty among its population. As Shifflet (1991) explains,

Mountain families struggled to preserve their way of life, not by resisting change but by accommodating themselves to it. High birth rates, population growth, and land scarcity in large areas of the Appalachians produced a mobile population well before the penetration of industrial capitalism (p.7).

Contrary to the popular belief that the poverty in West Virginia was the result of absentees and businessmen exploiting the state inhabitants, Shifflet explains that “poverty clearly predated the coming of industry, and it is misleading to suggest that the region’s economic problems began with the industrial capitalism” (p.12).

The workers who arrived in the coal fields were white Americans from the West Virginia Appalachians, black Americans from the South, and immigrants who had currently arrived from Europe. Large numbers of southern blacks that had previously been in the state to construct the railroads stayed on to work in the coal mines. From 1900 through 1920, the demand for labor amassed to efforts of the coal companies to go the southern states and to Europe to recruit miners into the expanding coal industry. The largest waves of immigrants were the Poles, Hungarians, and Slavs. Even then, the overall largest ethnic group who entered West Virginia’s coal fields was the Italians (Eller, 1982; Joe William Trotter, Jr., 1990).

Most blacks came to West Virginia due to economic strain of living in the south. Blacks immigrated to West Virginia from the southern states of Mississippi, South Carolina, Alabama, Virginia and Georgia. Work in the coal mines provided a better

economic opportunity for them while providing them an escape from the Jim Crow laws that existed in the south. The blacks soon began recruiting their own families and friends into the coal mines, creating an inner network of recruitment to the coal mines for which the coal companies soon did not need to make much effort of their own (Trotter, 1990).

In light of the high rate of southern blacks and European immigrants that came to West Virginia for employment in the coal mines, some counties had more of the newcomers than other counties. According to the census charts ascertained by Trotter (1990), McDowell County's black population was thirty-one percent in 1910 compared to Kanawha County's eight percent. The foreign-born whites made up thirteen percent in 1910's McDowell County compared to Kanawha County's three percent. McDowell County consisted of two percent of native-born whites of foreign or mixed parentage and fifty-three percent of American-born parentage compared to Kanawha County's four percent of foreign and mixed parentage and a large eighty-five percent of white of America-born parentage.ⁱⁱ

These statistics reveal an important factor to consider regarding the three West Virginia counties where the southern coal mine wars took place. The numbers show that some counties consisted of populations that were ethnically mixed in a fair balance, such as McDowell County, where only half of the population was American-born whites. This is not the case in the three counties where the southern coal mine wars occurred. Kanawha County, where the first mine war occurred in 1913, has 1910 statistics (as revealed above) that closely resemble Mingo County, where the second mine war occurred. During the second mine war that occurred in 1920, Mingo County consisted of eight percent of blacks, three percent of foreign born whites, two percent of whites born

to foreign or mixed parentage, and eighty-seven percent of whites of American-born parentage (Trotter, 1990).

The third mine war occurred in Logan County, which borders Mingo County, in 1921. (Kanawha County is separated from the other two mine war counties by Boone County, which was ninety-eight percent and ninety-two percent white from American-born parentages in 1910 and 1920, respectively.) In 1920, Logan County's population was made up of twelve percent blacks, seven percent foreign-born whites, four percent native-born whites of foreign or mixed parentage, and seventy-eight percent of native whites of American-born parentage (Trotter, 1990).

Regardless of their ethnic differences, the miners often bonded together during the mine wars with the help of the union. The UMWA was formally organized in 1890 by a unification effort of miners across the United States. The union had several goals for all of its members, according to Maier Fox (1990), the first of which was to secure a decent pay scale that was compatible for the type of work produced by the miners. The second goal was to rid the company coal towns of the use of the scrip payment system, a system that the union claimed kept the miners forever in debt to the coal operators. The third, fourth, and fifth goals related to safety issues that the miners held the operators responsible for, such as ensuring that the mines were properly ventilated. The sixth and seventh demands were for an eight-hour day and to eliminate child labor, respectively. The eighth demand was to eliminate any potential of the operators to cheat the miners with unscrupulous check weighmen who improperly weighed the scales of mined coal that the miners produced.ⁱⁱⁱ The ninth demand was to eliminate the practice of docking.^{iv}

The tenth demand was to eliminate the practice of using private police in the mines to prevent the miners from trying to organize their workplaces into union mines.

The UMWA was successfully able to organize several coal states, finding one especially difficult to penetrate. Ever since the birth of the coal industry in West Virginia, organizing the state's coal fields was extremely difficult for the UMWA since the miners were already completely dependent upon the coal companies that were located in isolated mountainous terrain. The coal operators also successfully gained court injunctions to ban the UMWA from entering their coal towns. Further, union organizers complained during the 1901-1902 attempts to organize West Virginia that the miners were not interested in attending meetings, so that the organizers had to go to the saloons where the miners preferred to stay. Then, after the miners learned that they had to pay dues to be a part of the union, they were not interested (John A. Velke, 1997).

Fear also kept the miners from attending union meetings. The miners would lose their jobs if their employers caught them attending the meetings. In southern West Virginia, the coal operators hired guards to keep union organizers out of the company towns. Incredibly, the drive in 1901 was successful in Kanawha County's fields (but not in the surrounding counties), organizing about 7,000 miners.

None of these agreements included union recognition, but the miners were granted a nine-hour day (instead of ten or more), semimonthly pay, payment by the ton verified by check weighmen, a lower price for blasting powder, the promise that they would not be compelled to patronize the company store, and a guarantee that there would be no discrimination against unionists (Fox, 1990, p.65).

The coal operators also utilized yellow-dog contracts to keep the union out of their non-union mines. With yellow-dog contracts forbade joining a union as long as they were employed in the operator's mine. These contracts were signed as a condition of employment. Refusal to sign them meant that the miner would not be hired.

The operators often paid the miners in scrip, which was not legal tender anywhere except for in the company store. In West Virginia, where the coal towns were extremely isolated from other towns with stores that could supply amenities, the coal operators had no choice but to utilize company stores to supply to their workers. The workers would not come to the coal towns if they could not live comfortably with the necessity of certain amenities that stores supplied. The miners understood this concept, but allowed the UMWA to publicly accuse the operators of deliberately overpricing a store's items so as to make a huge profit from the miners.

According to W.P. Tams, Jr., who worked his way up from being a coal miner to coal operator,

The company town and the company store have long been favorite targets of critics of the coal industry. Many appear to have believed that both were imposed on helpless miners by rapacious operators. However, such a view reveals a complete misunderstanding of the situation (Tams, 2001, p.51).

For those miners who acquired a debt, they would be paid in scrip because they would owe the company store more money than what they had earned. Not all operators paid solely in scrip. Shifflet (1991) claims that the "payment of wages exclusively in the form of scrip does not appear to have been common" (p.180). In fact, most operators did

not pay the miners with scrip but with cash. Most company stores did not make a huge profit from the sales of merchandise, but often made a small profit when compared to local stores outside of the company towns (Shifflet, 1991; Tams, 2001).

Shifflet (1991) explains that the company towns were generally quite pleasing to the miners and their families, as the miners were provided with everything that they needed, including churches, schools for their children, and especially the convenience of the company store for local shopping. The operators needed to make the company towns attractive so that they could attract good working men. Having unattractive and insufficient company towns would not bring in good workers and thus defeat the purpose of the coal operators to build the towns.

Chapter 4: The Unionization of Kanawha

The events of the three southern West Virginia coal mine wars are most often presented as if the coal miners are the victims. The coal operators are the individuals whom the miners had their contentions with, but such feelings were not easy to direct at the operators. In the historical sources of the mine wars, it is the mine guards who are the main targets of the miners' anger. It is probable that the mine guards were targeted so viciously because they were the persons visible to the miners and thus literal targets for the miners to rain their gunfire upon. It is also probable that the miners indulged in unlawful behavior during the mine wars because the local police authorities in the company coal towns were not supplied by any city or county jurisdiction in West Virginia. The coal operators and absentee owners supplied deputized men to maintain law and order in the isolated coal towns.

The US Coal Commission found that a coal operator "had to establish his business where the coal was and bring his labor to it" (Eyre Hunt, F.G. Tryon, and Joseph H. Willits, 1925, p.236) by building company towns and supporting the laborers with schools, stores, churches, and recreational activities. The coal operators should not have furnished their own law authorities, but they had no other choice to protect their workers and their property.

There are no public corporations in many places to provide for the public welfare or to maintain law and order, so the mine owner had one of his employees deputized by the sheriff, and thus there came into existence the much-discussed "mine guard" (p.236).

Coal operators hired men known as Baldwin-Felts Detectives (they are also referred to as mine guards) to work in the company towns. Normally, the use of the Baldwin-Felts Detectives as deputized sheriffs worked in a harmonious manner. Although called “detectives” by name, they were hired for a two-fold purpose by the coal operators: to maintain law and order in the company towns just as a sheriff would do, and to ensure that no miners attempted to unionize the coal fields.

According to Fox (1990), the coal fields known as Paint Creek and Cabin Creek had three Baldwin-Felts Detectives in 1907. According to Velke (1997), up until the end of April 1912, there were only four Baldwin-Felts mine guards protecting all of the mines in the Paint Creek and Cabin Creek districts. Paint Creek consisted of forty-one mines. The immediate neighbors of the area were the miners of the coal fields of Cabin Creek, which had fifty-five mines. Together, the coal operators of the Paint Creek and Cabin Creek coal fields employed 7500 miners and, with the miners’ families, housed a population of 35,000 people (David Corbin, 1981; Howard B. Lee, 1969).

Two of the mine guards employed in Paint Creek and Cabin Creek were married to daughters of coal miners. (Miners later killed both guards during the mine wars.) The detectives kept the union organizers out of most of the coal fields of West Virginia, especially since coal operators regarded union organizers as instigators of violence in the company towns (Velke, 1997).

In the spring of 1912, the UMWA and the Central Competitive Field (a conglomerate of coal operators in the coal fields of western Pennsylvania, Ohio, Illinois, and Indiana) commenced their contract negotiations as they had done every two years

since 1898. During these negotiations, the UMWA gained wage increases for their union members in the CCF coal fields. Encouraged by their success with their negotiations with the CCF, the UMWA presented a demand for similar wage increases in the Kanawha region of West Virginia. The UMWA representatives soon realized that they would not be able to make the same gains for the miners in all of West Virginia's Kanawha County.

Paint Creek and Cabin Creek were in Kanawha County, which had all unionized coal fields since 1901 except for the Cabin Creek mines. In April 1912, the Paint Creek miners were paid two-and-a-half cents less per ton than the miners in the other unionized mines in Kanawha County. To make up for this discrepancy during the new contract negotiations, the Paint Creek miners demanded a pay increase to match their neighbors. When the Paint Creek operators refused to award the pay increase to the miners, a strike was called on April 18 (Corbin, 1981; Lee 1969). The non-union Cabin Creek miners soon joined the strike and let their own demands be known, leading the operators there to seek court injunctions to prevent the UMWA from organizing the miners on company property.

The UMWA representatives had hoped to penetrate the entire state of West Virginia's coal fields since the origin of the UMWA. With the two Kanawha regions on strike, the UMWA officials responded quickly, realizing that these strikes were "their chance to organize the second most productive coal-producing state in the nation, one that for a decade had threatened the union's hold in the organized Midwestern coal fields" (Corbin, 1981, p.87).

The use of the Baldwin-Felts Detectives was the main cause of anguish on the part of the miners and thus the main reason for the strike (Corbin, 1981; Fox, 1990). The abolishment of the mine guard system became a main theme during the strike and eventually led to an investigation by the state legislature into the use of the mine guards by the coal operators. Mother Jones, a pro-union agitator who the UMWA often called upon to help rally the miners to join the union, gave several speeches that declared the Baldwin-Felts Detectives as the cause of the miners' woes in the company towns.

Perhaps some of the miners' anger toward the detectives was substantiated. The Baldwin-Felts employees not only served as sheriffs in the company towns, but several of them served as labor espionage among the ranks of the miners.^v The contributions that the undercover Baldwin-Felts Detectives made in their information-gathering practices assisted the coal operators in determining which miners should be blacklisted for their inclination to join a union or for their attempts to organize a union among the other miners. The operators also blacklisted miners for disobeying safety orders and for demanding to choose their own check weighmen.

The practice of cribbing also upset the miners. For instead of a set amount of tonnage being loaded into the coal cars at an even level, some of the coal companies would build frames within the coal cars that held up to 500-1,000 more tons of coal than what the miners were paid for. The coal operators docked the miners for including impure materials in the coal cars. On occasion, some coal operators docked far more than what the weight on the impure materials actually amounted to. The practice of cribbing and docking were not the obvious norm, but were legitimate causes for concern among miners (Lee, 1969).

Despite what the pro-union resources maintain regarding the behavior of the Baldwin-Felts mine guards, there is a discrepancy among the sources that reveal why the Paint Creek and Cabin Creek strikes occurred. According to Lee (1969), the non-union miners in Cabin Creek wanted: recognition of the union; their right to free speech regarding union activities; the practice of blacklisting be abolished; scrip payments be replaced with cash; the practice of cribbing to end; their right to employ their own check weighmen as the current legislature stated; and that the operator's check weighmen and the miners' check weighmen collectively determine any docking penalties.

Corbin (1981) agrees with Lee in that the first demand of the miners was recognition of the union by the operators. Otherwise, Corbin claims that the second most important demand by the miners was the abolition of the mine guard system. A reformation of the docking system was next in demand, followed by the miners' demand to employ their own check weighmen. Regarding their pay, the miners demanded to have the opportunity to trade with stores that were not employed by the coal operators, to be paid in cash and not in scrip, and finally, an increase in pay.

Although there are differences between Lee's and Corbin's listed priorities of the miners, of importance is the fact that Lee claims his list as being the demands of the Cabin Creek miners whereas Corbin claims his list as being the demands of both the Paint Creek miners and the Cabin Creek miners. However, most resources show that the strike on Paint Creek was initiated because the coal operators refused to give a pay increase to the miners. It is easy to speculate that had the pay increase been granted, then the Paint Creek strike would not have occurred. It is probable that the Paint Creek miners expanded their list of demands after the strike began.

Conspicuously missing from Lee's list of the miners' demands is the abolishment of the mine guard system. In light of the fact that the two districts utilized only four Baldwin-Felts employees in the Paint Creek and Cabin Creek coal fields for several years without incident, it may be difficult to see how the miners' demand for the abolishment of the mine guard system came into being during the strike. As the events of the mine war are discussed, it will appear that the use of the mine guards frustrated the miners only *after* the mine guards were used to counteract the purpose of the strike. In this respect, the mine guards may have become the scapegoat of the UMWA. Naturally, the coal operators' use of the Baldwin-Felts Detectives as spies among the miners was disturbing to the miners who wanted certain workman's rights without being blacklisted.

There is a balance to consider: the non-union miners of Cabin Creek were paid higher wages than the organized miners of Paint Creek (Hunt, et al, 1925) and therefore did not desire to unionize and thus earn smaller paychecks. Still, the non-union miners desired to have certain rights (such as employing their own check weighmen and to end the practice of cribbing so that they were not cheated of their rightfully-earned wages) without necessarily having their coal fields organized. It may be considered that the non-union miners may have needed to unionize in order to realize some of their rights, even if it meant that they would, by union negotiations, earn lower wages than they earned before. There are several pros and cons that the non-union miners of Cabin Creek faced before going on strike.

During the first month of the strike, no violence occurred. On May 12, 1912, several Baldwin-Felts mine guards began arriving until the coal operators had three hundred of them ready to assist the coal operators in bringing in strikebreakers (new

employees) to work in the coal mines (Corbin, 1981; Lee, 1969). Since the coal companies owned the land for about twenty miles surrounding the Paint Creek and Cabin Creek areas, the Baldwin-Felts employees who evicted the miners on strike from the company-owned homes loaded the miners' household belongings on freight cars, transported everything outside of the company-owned property, and dumped everything alongside the tracks.^{vi}

Family members of the striking miners were also sent off of the property and to the areas where the household belongings were placed (Corbin, 1981; Lee, 1969). The families stayed in tents and were fed with food, both items supplied by the UMWA. As Corbin (1981) notes, although the families are portrayed in a sullen manner to arouse pity for them, the people were known to enjoy life during their rebellious strike, participating in such activities as singing, dancing, and playing games. A further note of consideration toward the plight of the occupants of the tent cities is the fact that mobility was an asset to the miners. If the striking miners wanted to move their families to another coal town and work in the mines there, then they could. There is no given reason, just speculation, to explain why the striking miners lived in tent cities when they could have moved elsewhere. It may appear that since the UMWA provided tents for them to live in and food for them to survive on, then the miners had no reason to move on and live elsewhere and actually have to work. The tent cities and those who lived in them may have been used a publicity stunt by the UMWA as well.

As strikebreakers were brought in by trains to work in the coal mines and keep the business operations continuing, the Baldwin-Felts mine guards escorted the new workers and kept them in place to work in the mines. The striking miners met all trains

transporting the strikebreakers arriving into the area and threatened anyone who would work in the mines by using both force and intimidation to prevent the strikebreakers from continuing to go to work. On June 5, 1912, the miners fired gunshots upon one of the trains. No one was injured, but the intimidating actions committed by the miners on strike worked. Perhaps fearful for their lives and of being considered “scabs” by the striking miners, some strikebreakers escaped to join the miners (Corbin, 1981; Lee, 1969; and Velke, 1997).

No other shootings occurred until the end of July, when some miners, hidden in the trees of the mountains surrounding a clubhouse in the company town of Mucklow, fired upon unarmed Baldwin-Felts mine guards for nearly thirty minutes (Velke, 1997). No one was injured during this incident, but the miners were beginning to show their propensity to use violence. On July 24, “the first bloodshed occurred when two Baldwin-Felts mine guards...were ambushed and fired upon by strikers” (Lee, 1969, p.27). One Baldwin-Felt detective was killed. The injured survivor escaped, losing his heavy blood-soaked jacket in the woods (Lee, 1969; Velke, 1997).

Mother Jones, “an 82-year-old, fiery, fearless, profane, and vulgar labor agitator” who “possessed no qualities of leadership, but was sort of a gadfly sent out by the union leaders to annoy the operators” (Lee, 1969, p.26) arrived on August 1, 1912 and proceeded to encourage violence against coal operators and mine guards in her speeches (Velke, 1997). At such a rally of strikers, Mother Jones was given the bloodied coat of the Baldwin-Felt mine guard who had escaped a week earlier from the attacking miners (the guard was mistakenly believed by the miners to have died in a nearby hospital) and “had the coat cut into small pieces, which she threw to the mob. The strikers, screaming

their delight, gathered them up and pinned them to their coat lapels as decorations of honor” (Lee, 1969, p.27).

Mother Jones encouraged the miners to arm themselves for a battle. The UMWA supplied the monetary means for the striking miners to purchase “all guns and ammunition in the city stores, ordered a half-dozen machine guns, 1,000 high-power rifles, and 50,000 rounds of ammunition” (Lee, 1969, p.27). The coal operators also prepared themselves, using the company stores as arsenals that they quickly supplied with arms and ammunition of their own.

West Virginia Governor William E. Glasscock attempted to mediate between the coal operators and the UMWA. The operators did not agree with Governor Glasscock’s mediation attempts in 1912. They did not want to give official recognition to the UMWA (Richard D. Hunt, 1979; Lee, 1969). When Governor Glasscock tried to ascertain why the West Virginia coal operators did not want to compromise, the operators provided several reasons: 1) it was individuals who did not work for the coal companies that had started the present violent situation for the sake of acquiring union recognition; 2) it was those striking on behalf of the union who were destroying property and hurting (and killing) the company employees who wanted to work; 3) and the coal operators wanted law and order to prevail whereas the actions committed and encouraged by the UMWA and strikers created havoc against such desired law and order. (Letter to Governor Glasscock, as cited in Hunt, 1979).

On September 1, 1912, an estimated 6,000 armed miners gathered together in one mob, prepared to destroy coal camps, coal tipples, kill all mine guards, and chase off all strikebreakers in Cabin Creek. The coal operators and mine guards gathered all of the

local store clerks and bookkeepers and prepared for the attack from the miners, even though the defenders of the coal companies only numbered 400 (Lee, 1969). When Governor Glasscock learned that another ambush on the mine guards was imminent, he declared martial law in the entire strike zone on the morning of September 2, 1912. The night before, Governor Glasscock had rushed in 1,200 state militia (Lee, 1969; Velke, 1997).

The state militia demanded that all arms and ammunition be peacefully turned over to them. Most of the arms and ammunition gathered by the military were from the coal operators' employees. The striking miners more often than not hid their weapons with friends in safe areas or in the mountains. Within a few days after martial law was declared, the Baldwin-Felts mine guards were completely pulled out of the area and sent to Colorado that same month to protect the coal mines in Colorado from being destroyed by the striking miners there (Lee, 1969).

"The strikers initially appreciated the militia's presence, but strike-related violence continued, and the positive attitude toward the militia evaporated when it began preventing public gatherings, including UMWA meetings" (Fox, 1990, p.148). Since the area was still under martial law, Governor Glasscock did not allow the miners to congregate. A military court was set up in one of the towns and sixty-six of the striking miners were convicted for various reasons. Most of the miners served short sentences, except for the convicted strike leaders, who served longer terms in a penitentiary. When the activities of the striking miners appeared to calm down, the governor ended martial law on October 15, 1912 and sent the state militia out of the area (Lee, 1969). The coal operators still employed mine guards after the military left. This time, the mine guards

consisted of former military servicemen who replaced the Baldwin-Felts Detectives. The miners disapproved of the new mine guards because the guards still consisted of employees who were hired by the coal operators (Fox, 1990; Hunt, 1979).

The peaceful situation in the Kanawha region did not last. The coal mines operated, but the operators did not utilize the miners who had been a part of the strike. The former militiamen who had previously served in the strike zone and were now working as mine guards prevented the striking miners from harassing the strikebreakers. By early November 1912, the miners grabbed their arms and started war again. Within a couple of weeks, the miners had control over the railroad's transportation cars bringing strikebreakers into the area. The miners hid in the mountains and fired gunshots upon the incoming strikebreakers. On November 15, 1912, Governor Glasscock proclaimed martial law in the strike zone for the second time (Hunt, 1979; Lee, 1969).

This time, the military court enacted tougher sentences and quickly prosecuted the miners not just for the offenses that they committed in the area during the time that martial law was reestablished, but the military court "also assumed jurisdiction of all offenses committed within the area during the interval when martial law did not exist" (Lee, 1969, p.35.) Kanawha County's civil courts remained open during this time, and perhaps by law as established by the West Virginia State Constitution, the county courts should have had jurisdiction over the offending miners. Even then, the military took full control of the of the trials of the miners, providing the miners with no legal right to counsel, no legal right to plead the Fifth Amendment, and long and harsh jail terms instead of fines. The enactment of martial law, with trials that were more harsh and punishing than what Kanawha County's civil courts would have issued, worked. The

striking miners hid their weapons again and retreated back to their tent cities. The coal mines peacefully resumed operations with the strikebreakers as their new employees. Martial law was lifted and the military left on January 10, 1913 (Lee, 1969; Velke, 1997).

On February 7, 1913, the miners once again fired upon mine guards in Mucklow (Velke, 1997). Later that night, an incident occurred that has come to be known as the Bull Moose Special. A mine guard (who was originally hired from the state militia), a county sheriff, and some other employees of the coal operators rode in a bullet-proof train past one of the tent cities in the dark of the night. Those on the train claimed that the miners fired upon them first as the train passed by. Miners in the tent city claimed that the men on the Bull Moose Special fired upon them while the miners were unarmed and sleeping in their tents. One miner was killed in the midst of the gunfire (Corbin, 1981; Lee, 1969; and Velke, 1997).

To this day, despite Senate hearings, it is still unknown who had actually fired the first shot. It can be easily assumed that the men on the Bull Moose Special rode through late at night and fired upon the tent city in retaliation for the gunfire that had rained upon their men in Mucklow earlier that day. At the same time, the miners had been very well known to fire gunshots upon trains with the strikebreakers in them. In this respect, it is possible that as the Bull Moose Special approached, the miners heard the train coming and fired upon the Bull Moose Special first. Of interesting note is that the Bull Moose Special was bulletproof and armed with powerful weapons. Still, this train could have been specially built to transport passengers in safety, as it did contain a bulletproof passenger car.

On February 10, 1913, the miners hidden in the hills fired upon Mucklow again, this time killing two mine guards. That same day, for the third time, Governor Glasscock declared martial law in the strike zone. A new military court was established, bringing 166 strikers to trial. Mother Jones was also arrested and convicted on grounds that she had incited a riot and was given twenty years in prison. (Governor Henry D. Hatfield later pardoned Mother Jones after he took office.)

Before leaving office, Governor Glasscock convinced the West Virginia state legislature to cease its legal support of the mine guard system. Under the new system, the coal operators could still hire the mine guards, but the guards no longer had the legal authority to arrest the miners. When Governor Hatfield took office, he kept martial law in place, believing that using martial law kept the operators from having power over the miners with the use of the mine guards (Hunt, 1979).

In April of 1913, the UMWA president, John White, and Governor Hatfield compromised with the coal operators. The coal operators agreed to give the miners nine-hour workdays, the right to choose their own check weighmen, semimonthly pay, and a guarantee of no discrimination against miners who joined the union (Corbin, 1981). Martial law was lifted on June 12, 1913.

The miners were not happy with the settlements, especially since they did not get to partake in the voting of the compromise. In July 1913, the miners prepared a strike and walked off the job, refusing the representation of the UMWA in a display of their discontent with the union's decision to settle with the coal operators (Corbin, 1981; Hunt, 1979).

The UMWA hierarchy, embarrassed to have to recognize a strike that they had declared settled, excused the reversal by claiming that the operators had abrogated the settlement [of April 1913] by ... blacklisting^{vii} the leaders of the initial phase of the strike (Corbin, 1981, p.99).

The coal operators, believing that they could not be dependent on martial law again to settle the unrest of the miners while investigations were ongoing by national legislature of the previous mine wars, settled with the union and agreed to all of the miners' original demands of 1912. To further assist the miners, Governor Hatfield obtained the right of the miners to join the union without discrimination by the operators as well as the right to participate in union meetings on the coal owners' properties. The mine guards were permanently removed from Kanawha fields (Hunt, 1979). They were no longer needed by the coal operators to maintain peace since the miners had been granted all of their rights.

Chapter 5: Kanawha Responsibilities

In Lukes's three-dimensional view of power, the concept of power is built up in layers. In the first dimensional view of power, understanding power "involves a focus of *behavior* in the making of *decisions* on *issues* over which there is an observable *conflict* of (subjective) *interests*, seen as express policy preferences, revealed by political participation" (Lukes, 2005, p.19, italics added by author). The first dimensional view is aptly applied to West Virginia Governors Glasscock and Hatfield as seen in their decisions to enact or maintain the existence of martial law in the strike zone. The state militia also falls within the discussion of using the first dimensional view. The governors and militiamen acted as mediators amongst the real power struggle that was occurring between the operators and miners. However, they had direct power at the time from their political or military positions. No policy preferences were specifically intended to side with either the operators or the miners. Any subjective interest that the governors had are clearly indicated within the historical details, which point toward the desire of the governors to assist in finding a compromise between the warring parties and the desire of the military to restore peace in the strike zone.

Applying what Lukes refers to as the second dimensional view of power, no perspectives emerge regarding the power struggle between the operators and miners. The second dimensional view of power "involves a *qualified critique* of the *behavioural focus* of the first view" and gives "consideration of the ways in which *decisions* are prevented from being taken on *potential issues* over which there is an observable *conflict* of (subjective) *interests*, seen as embodied in express policy preferences and sub-political grievances." Regarding decision-making, as concluded by Bachrach and Baratz, "the

domination of defenders of the status quo may be so secure and pervasive that they are unaware of any potential challenges to their position and thus of any alternatives to the existing political process” (Lukes, 2005, pp.24-25, *italics added by author*).

It was shown earlier in this discussion how the power elite of the 1800s’ West Virginia legislature enacted land laws that virtually left the poor and propertyless man with no real opportunity to partake in land ownership. The early settlers who lost land-holding rights to absentee landowners were left out of the legal decision-making process. In this view, the propertyless populations obeyed the laws, even though such laws prevented the propertyless from owning land. In the case of the Kanawha region, the second dimensional view of power to the power struggle of the Paint Creek and Cabin Creek mine wars is not really applicable. All parties directly involved in the Paint Creek and Cabin Creek mine wars lacked the capacity to crowd out the grievances of their opposing parties. Coal operators and mine guards heard the grievances of the miners quite well, and vice-versa. There are no apparent events that reveal how Bachrach and Baratz’s view of power are applicable. The behavior of the parties that were directly involved in the Kanawha mine wars apply to the first dimensional view of power, but not the second dimension.

The third dimensional view of power is directly applicable to the mine wars. Lukes (2005) begins his work stating that “power is at its most effective when least observable” (p.1). This hints to the possibility that power can exist without empirical evidence. Within the third dimensional view of power is the ability “to prevent people, to whatever degree, from having grievances by shaping their perception, cognitions and preferences in such a way that they accept their role in the existing order of things”

(Lukes, 2005, p.11). The UMWA had a goal to unionize all coal fields beyond the CCF territories and across the United States. The West Virginia coal fields were at the top of the UMWA's priorities. However, the UMWA may have been under extreme pressure to unionize West Virginia more so than other regions. The cost of the miners' wages in the West Virginia area played an important part.

According to the United States Coal Commission, "Between seventy and eighty per cent [sic] of the cost of bituminous coal at the mine is the labor cost. Differences in wage scales are likely to affect both labor cost and miners' earnings and consequently labor relations" (Hunt, et al., 1925, p.230). In the natural flow of cause and demand, when coal is a hot commodity on the market, the miners' wages go up. When coal is in less demand, the miners' wages decline. In 1898, the UMWA effectively secured guaranteed wages for its union members in the CCF.

The effective strength of the union is in the Central Competitive Field, which...employs one-third of the workers of the [coal] industry. It is completely organized and the tradition of unionism goes back to the middle of the nineteenth century (p.231).

The wage level in the CCF, as established by agreements with the UMWA, determined wage levels in other organized districts since 1898 and up to the time of the Paint Creek and Cabin Creek strikes. The agreements are intended to prevent wage wars between coal mines and price wars between operators. "Out of this set of facts grows the real significance of the competition between coal fields in which the workers are unionized and coal fields in which the workers are not unionized" (p.230).

Since the cost of producing bituminous coal is between seventy and eighty percent of the total production cost, the operators of the non-union coal fields of West Virginia took full advantage of paying flexible wages to their employees in order to be competitive in the bituminous coal market. According to John R. Bowman (1989), less than a year after the 1898 agreement between the UMWA and the CCF, many of the CCF coal operators complained to the union about the competitive "antics" of the non-union West Virginia coal fields. For as far back as 1888, West Virginia's value-per-ton for bituminous coal was less expensive than Pennsylvania's and Ohio's coal, though more expensive than Illinois's and Indiana's coal. In 1891, West Virginia's value-per-ton price made it the least expensive coal to purchase. From then on, with the exception of 1894, West Virginia successfully undersold its competitors in the CCF through 1916.

The West Virginia coal operators maintained certain cost-cutting strategies by lowering the miners' wages when they needed to. Cost-cutting by the West Virginia coal operators put the operators of the CCF at a major disadvantage. The CCF operators allied with the UMWA in 1898 against the nonunion West Virginia coal operators in order to force the latter to raise their costs of coal and cooperate with the coal prices of the operators of the CCF. The West Virginia coal operators continuously resisted the efforts of the UMWA to unionize their coal fields and continued to take over a huge portion of the bituminous coal industry. All the while, the coal operators of the CCF complied with their union contracts and lost profits at times because they were not legally able to lower the wages of their miners.

During the early 1900s, before the Kanawha mine wars, the West Virginia coal operators persisted in their belief that the UMWA and the CCF had conspired to put the

highly profitable West Virginia mines out of business by calling for strikes. Their belief came from a clause in the 1898 agreement between the UMWA and the CCF that claims that the UMWA would make every effort to protect the miners and other parties in the agreement from unfair competition, especially when there was a failure to enforce or to maintain the agreed-upon scale rates of coal. For the West Virginia operators, having to pay to their miners the same wages as the miners in the CCF would put the West Virginia operators out of business (A.F. Hinrichs, 1923). It should be recalled that West Virginia coal miners made more wages on an annual basis since they could work when they wanted and for as long as they desired. The union miners were limited to certain wages and eight- or nine-hour days. Also, due to the mountainous region, the West Virginia operators had to pay more in shipping costs to get their coal to their customers, a circumstance that kept them at a disadvantage with the CCF.

The nonunion West Virginia operators believed that unionization of their fields would substantially raise their production costs and thus bring in negative profits and make them unable to compete with the operators of the CCF. “They were right. The northern operators [the CCF] clearly supported the UMWA’s efforts in West Virginia because they wished to force the southern operators to sell their coal at a higher, cooperative price” (Bowman, 1989, p.120).

The clause in the 1898 agreement was a point of contention between the UMWA and the CCF. The CCF felt that the UMWA did not fulfill their unwritten agreement to unionize West Virginia, while the UMWA retorted that the agreement only could be interpreted to mean that the “failure to maintain scale rates” within the clause only applied to CCF coal operators. The UMWA argued that they could not apply that clause

to West Virginia coal fields since those coal fields were mostly non-union. The UMWA could not hold the West Virginia operators to the same scale rates as the CCF operators without a contract agreement (Bowman, 1989; Hinrichs, 1923).

The operators of the CCF used the West Virginia coal operators as a bargaining chip whenever the CCF representatives met with the UMWA representatives. In other words, the CCF representatives made it a point to remind the UMWA representatives that the miners in the CCF coal fields would not receive increases in their wages or any other benefits within their UMWA/CCF contracts unless the CCF representatives provided them to begin with. Therefore, the CCF suggested that the UMWA exert influence over the West Virginia miners to unionize and thus stifle the strong competition of the West Virginia coal fields (Hinrichs, 1923). “Not only did these operators support the union’s organizing efforts in West Virginia, but they blamed the union severely when these efforts didn’t succeed” (Bowman, 1989, p.119). For example, at a 1906 conference between the CCF operators and the UMWA representatives, the CCF operators made it clear to the UMWA president, John Mitchell, that the union would not have any sort of strength if it were not for the CCF agreeing to the union contracts. In reality, the CCF operators needed the contracts with the UMWA in order to stabilize the prices in the coal industry. They were aided by the UMWA to do so. It was the non-union coal fields of West Virginia that caused the strategic plan of the CCF coal operators to financially backfire on them.

In March 1913, a joint conference was held in Cleveland, Ohio, between officials of the UMWA and owners of various union mines operating outside of West Virginia. The coal operators claimed to be suffering from

the competition of West Virginia coal, due in large measure to the United Mine Workers' inability to organize the state (Velke, 1997, p.118).

Such a joint meeting between operators in the CCF and representatives of the UMWA "in an effort to increase the cost of West Virginia coal by increasing miners' wages was a clear violation of the Sherman Antitrust Act" (p.118). Still, they held these joint conferences every two years since 1898, when the CCF first mounted pressure on the UMWA to unionize the West Virginia coal fields.

Herein lies the relevance of Lukes's third dimensional view of power: the CCF pressured the UMWA to unionize the West Virginia coal fields, so the UMWA made the southern West Virginia coal miners believe that the coal operators were victimizing them. The West Virginia miners consisted of populations who were happy with their conditions in West Virginia: the African-Americans who escaped the Jim Crow laws of the southern states to earn more money in West Virginia; the eastern European immigrants who escaped the harsh conditions in their native countries to have an easier life in West Virginia; and the starving West Virginia natives who gladly took the jobs in the coal mines rather than starve in the mountains. The historically documented events—including when Mother Jones incited violence amongst the coal miners; when the UMWA purchased guns and ammunition for the miners; when the UMWA kept the miners in tent cities; and the sudden hatred by the miners of the mine guards after years of living in harmony with the mine guards—show that the miners did not think for themselves, but were influenced by outside sources. The miners perhaps should have been angry with the operators of the CCF for pressuring the UMWA to penetrate into the West Virginia coal fields. The mine guards served to protect the community atmosphere

of the coal towns for the miners. Unfortunately for them, the mine guards became the scapegoats of the miners instead.

There is no empirical evidence to show that the miners were actually under the distant influence of the CCF operators. Per Lukes's third-dimensional view of power, it is only a possibility. The United States Coal Commission did find that

it was felt by union operators [of the CCF] that the non-union mines [of West Virginia] either undersold them in the market or made a greater profit than their own and that this was due to cheaper labor. How far these [CCF] operators desired the United Mine Workers to go in unionizing [the West Virginia] mines would be mere conjecture, but there is no doubt of their desire to equalize conditions by bringing the non-union mines under union control (Hunt et al., 1925, p.235).

Without empirical evidence, the truth can be decided to favor either side.

Chapter 6: Prelude to Matewan

The Paint Creek and Cabin Creek strikes resulted in the use of martial law in a manner that had never drawn so much public, political and media attention before or after its occurrence. The offenders were denied the writ of habeas corpus while the military courts functioned above the civil courts, even though the latter courts remained open during the use of martial law. The miners were therefore denied their equal protection of due process according to the law and tried under absolute martial law.

The West Virginia State Constitution, Article III Section 4, states:

The privilege of the writ of habeas corpus shall not be suspended. No person shall be held to answer for treason, felony or other crime, not cognizable by a justice, unless on presentment or indictment of a grand jury. No bill of attainder, ex post facto law, or law impairing the obligation of a contract, shall be passed.

Recall that the miners, including Mother Jones, were put into jail by the military without a trial.

The West Virginia State Constitution, Article III, Section 12 states:

The military shall be subordinate to the civil power; and no citizen, unless engaged in the military service of the State, shall be tried or punished by any military court for any offense that is cognizable by the civil courts of the State.

In Kanawha, the local civil courts were still open and functioning during the strikes, yet the offenders in the strike zone were punished solely by a military court.

According to Robert S. Rankin (1939), the West Virginia State Constitution was intended to be operative like the Constitution of the United States, meaning that any act

by the West Virginia state legislature that was not in accordance with the state constitution was an act of anarchy. However, the state constitution also afforded the governor to act as commander-in-chief of the state's military forces during times necessary to suppress insurrection, rebellion, or riots. There has been much debate over the interpretation of Governors Glasscock's and Hatfield's use of martial law during the strikes, more so Glasscock's use. The question arose as to whether or not the governor had the legal authority to use absolute martial law in the strike zone over the striking miners.

All historical sources agree that the Baldwin-Felts Detectives immediately surrendered their arms to the state militia once martial law was declared, whereas the miners did not. Instead, the miners did not comply with the presence of the militia, but chose to hide their weapons. The miners truly felt they were victims. However, their overt noncompliance with the state militia's initial attempts to have everyone surrender their arms directs much blame in the direction of the miners. It is not that the state militia sided with the coal operators, as the miners believed occurred, but the real problem was the violent actions that were clearly committed by the miners firing guns upon innocent and unarmed victims who were exiting the trains, who were attempting to work in the mines as strikebreakers, or who were taking a lunch break as the mine guards had done.

The use of martial law, to any extreme, seems justified in such violent and unprovoked circumstances in order to make a violent area peaceful, at any cost, even if it means that restraining those committing violence in all manners necessary. That the Baldwin-Felts detectives completely left the area of martial law within a few days after the state militia arrived shows that they willingly complied with the surrender of their

ammunition and deputized authority. This shows more reason for the state militia to not impose harsh actions upon those who were employed by the coal operators, since those employees did not instigate the violence.

At a Senate Investigation Committee hearing that was held after the Kanawha County's mine war, Governor Glasscock stated that the removal of the mine guards from the strike zone was one of his major reasons for declaring martial law. He wanted to transfer the police authority from the mine guards to the military so that the miners would calm down in the uprisings, as the miners claimed that it was the mine guards who caused them to resort to violence. After the second time martial law was declared, Glasscock claimed that he did not publicly announce when martial law had ended because he felt that so long as the people in the strike zone were under the impression that they were still under martial law, then they would be peaceful (Rankin, 1939). Glasscock's reasoning is supported by history. The resources all show that the miners did indeed become less violent when the mine guards were removed from the strike zone. The miners further complied with the military authorities when some of the men were given harsh sentences under martial law for their violations.

The Senate Investigation Committee believed that the civil courts should have been closed during the use of martial law, but since they were not, then both of the governors were incorrect in their actions of allowing the military courts to punish all offenders. Fortunately for West Virginia's governors, the Supreme Court of West Virginia found that Governors Glasscock and Hatfield acted correctly within the state's constitution during the implementation and enforcement of martial law. The court stated that the local civil courts in the strike zone were not sufficient to preserve the peace and

therefore did not preclude the governors' use of martial law during any time. One Justice dissented (Rankin, 1939).

The West Virginia Supreme Court decision prevailed and the Paint Creek and Cabin Creek coal mine war seemed forgotten by the time World War I started and as America became involved in 1917. During the world war, the coal operators were temporarily unable to acquire injunctions against the UMWA (Hunt, 1979). The coal companies did, however, experience one victory during this time. In a 1917 Supreme Court decision, the yellow-dog contracts were declared to be valid while the UMWA's attempt to organize miners who had signed yellow-dog contracts was simultaneously considered an inducement to a breach of contract.

The decision against the UMWA regarding the yellow-dog contracts may have been overly critical at the time, for per the yellow-dog contracts, either the employer or the miner could terminate the contract at will. In other words, if a miner wished to join a union, then the employer was not obliged to employ the miner. Whereas the yellow-dog contracts may be considered economic coercion, it should be remembered that the miners could choose to seek employment in other mines as opposed to being unemployed for desiring to join the UMWA. It is not a pure economic coercion if the miners had a choice in the matter, except perhaps during an economic recession as that which occurred shortly after World War I ended in 1918. The recession that hit the United States in 1920 gave the operators the upper hand, as the miners became desperate for work at whatever wages they could acquire.

Chapter 7: Matewan – The Instigation

In April 1920, the UMWA began an organizing campaign in Mingo County, knowing that they had Mingo County Sheriff G.T. Blankenship on their side. Ed Chambers, Matewan Chief of Police Sid Hatfield, and a small group of miners gathered in the elder Reece Chambers's store and plotted a new manner of winning a strike that had not been attempted before in the West Virginia coal fields. Meanwhile, the Mingo County operators refused to accept an offer from Sheriff Blankenship to pay him cash in order for him to prevent the UMWA from performing organizing activities in the area. As a result, Blankenship sided with the miners and it was shortly after the operators' collective refusal to pay him cash that the UMWA began to have assemblies in the area (Lee, 1969, Velke, 1997).

On May 8, 1920, the operator of the Red Jacket Consolidated Coal & Coke Company, Mingo County's largest coal operator, informed West Virginia Governor John J. Cornwell that the UMWA District 17 (the UMWA's region of West Virginia) had a local union officer in the area beginning to agitate the miners into joining the union and going on strike. Around May 10, the Red Jacket coal operator had his employees sign yellow-dog contracts. The contract specifically stated that should any miner join the union, then the contract was considered void and the union-joining miner could be subject to termination of his employment as well as eviction from the company-owned home. After an undercover Baldwin-Felts detective reported that a secret union meeting was held by the UMWA on May 14 in Matewan, in which nearly five-hundred miners attended, the miners called a strike at the Red Jacket coal mines near the Matewan area. Sheriff Hatfield and Mayor C.C. Testerman supported the strike. Soon after, many other

coal mines in Mingo County had miners on strike. The Red Jacket operator, along with three hundred and fifteen other coal operators, used the court system to continue to use the yellow-dog contracts and legally ban the UMWA from their coal mines (Hunt, 1979, Lee, 1969, Velke, 1997).

In Matewan, the operators were having a difficult time evicting the striking miners from the company homes. Since Sheriff Blankenship refused to evict the miners on behalf of the coal operator who had obtained a writ of eviction, the operator turned to the Baldwin-Felts Detective Agency after obtaining eviction writs from a county justice of peace. Albert and Lee Felts (brothers to Tom Felts, who was one of the owners of the agency) and ten other detectives went to Matewan on May 19 to evict the striking miners from the company homes. The two Felts brothers and two other detectives had the proper licenses to carry their pistols. Otherwise, the Baldwin-Felts detectives were armed with high-power rifles because such weapons did not require licensing in the state's area at the time. Sid Hatfield and Mayor Testerman challenged the detectives from performing the evictions since they believed that the detectives did not have court orders to carry them out. It was clearly made known that the detectives were carrying out the evictions based upon the orders from the coal operator (Hunt, 1979; Lee, 1969; and Velke, 1997).

According to Velke (1997), Mayor Testerman contacted a local judge of the courts and was advised by the judge that the evictions papers held by Albert Felts were legitimate and that the evictors were not to be interfered with.

The detectives faced no trouble as they evicted the striking miners from the company homes. After the evictions, the detectives who carried rifles placed their weapons back into their carrying cases so as to not provoke anger amongst the Matewan

population. The entourage of detectives then arrived back to the train station for their ride home to Bluefield, which was the headquarters location for the Baldwin-Felts agency (Lee, 1969; Velke, 1997). From this point, there are two main stories that claim the events leading up to what is known as the Matewan Massacre.

According to Hunt (1979), although Hatfield was unable to stop the evictions, he charged the detectives with carrying firearms without being a deputized sheriff in Matewan. Hatfield informed Albert Felts that he would have to arrest him for bringing armed men into the area. Felts retorted that he had a warrant for Hatfield, and would also have to bring him to Bluefield, West Virginia, per the warrant. Mayor Testerman then read the warrant and declared it to be a false document. According to Hatfield's later court testimony, Felts first shot Testerman, which then caused gunfire to ensue from everywhere. Within seconds, the shootings became the Baldwin-Felts detectives versus Hatfield, who was supported by all the hidden miners in the town. Ten men were killed, seven of which were Baldwin-Felts detectives, including both Felts brothers. The others killed were Mayor Testerman, a miner, and a young miner's son who happened to be a passer-by in the area.

Velke (1997) provides a different account of the events at the train station. Mayor Testerman asked Albert Felts for the eviction papers so that he could read them for himself as opposed to verifying the legitimacy of the papers with a judge as he had done earlier. Testerman desired to get out of the dust and went to a nearby doorway, followed by Albert Felts. Unbeknownst to Felts, Hatfield was hiding in the doorway waiting for his target. Felts was dead as soon as Hatfield had sight of him. Immediately after Hatfield's shot, gunfire erupted from hidden locations of the buildings surrounding the

train station, all aimed at the detectives. The detectives who were unarmed (with their rifles in carrying cases) fled in all directions, running for their lives. The remaining detectives who were armed fired back with their pistols. Hatfield realized a golden opportunity to get rid of Mayor Testerman, and so killed him on the spot as well.

Lee (1969) has a version much like Velke's. Lee shows that it was Sid Hatfield who fired the first shot, shooting Albert Felts in the back of the head. Lee further claims that Hatfield's shot was believed to be the signal for the miners-in-waiting to begin the massacre. Five detectives escaped from the battle and lived to tell their version of the events. Meanwhile, the miners, led by Hatfield and his friend Ed Chambers, acted in mob-like behavior as they celebrated late into the night with moonshine while continuing to destroy the bodies of the dead Baldwin-Felts detectives and the two Felts brothers. Undertakers were not allowed to retrieve the bodies until late into the night. Velke (1997) claims that Thomas Felts was not able to recover the bodies of his two dead brothers and the other detectives until around noon the next day, only after the town was under control with reinforcements of about forty state policemen.

News spread quickly, whether true or not, that the Baldwin-Felts detectives were at fault for instigating the Matewan Massacre. When Sheriff Blankenship arrived in Matewan the next morning, he told "UMWA officials and newspaper reporters that Albert Felts had fired the first shot, killing Mayor Testerman; that Sid Hatfield had shot Albert and Lee Felts in self defense; and that all of the other shooting occurred spontaneously thereafter" (Velke, 1997, p.189).

History shows that Sid Hatfield may very well have instigated the Matewan Massacre. First, it should be noted that the massacre of the detectives occurred with

miners waiting in hiding to fire their guns. It would have been highly unlikely that so many armed men would have been readily available to fire their weapons at the detectives by happenstance, but rather that the shootings were premeditated. Second, “Hatfield complicated matters further by marrying Mayor Testerman’s young and pretty widow within ten days of the battle, suggesting that more than one motive may have been involved” (Hunt, 1979, p.99).

It had been widely known that Hatfield’s love interest was the mayor’s wife. In fact, Hatfield and Mrs. Testerman were caught in a hotel room by the local police and were arrested for prematurely using the same bed the night before the two married. Not surprisingly, the pistols belonging to the two dead Felt brothers were on the nightstand next to the bed (Lee 1969; Velke, 1997).

After the massacre it was generally believed in Matewan that Hatfield had planned the whole affair to give him an opportunity to remove the Mayor from the triangle [between the Mayor, Hatfield, and the Mayor’s wife] – and that he did so remove him (Lee, 1939, p.57).

Naturally, Hatfield and several Matewan miners were indicted for the murders of the Baldwin-Felts men. Meanwhile, the UMWA ensured that all miners in Mingo County were on strike and living in tent cities. C.E. Lively, an undercover agent for the Baldwin-Felts Detective Agency, opened a shop on July 2 in Matewan in order to gather evidence by word of mouth regarding the Matewan Massacre. Operators brought in strikebreakers to the area in order to keep their mines in a profitable business. Even then, the UMWA undermined many of the efforts to bring in more miners by harassing and

intimidating the new arrivals. At times, the UMWA offered free return trip tickets to the strikebreakers (Hunt, 1979; Velke, 1997).

The Red Jacket operator and his fellow operators in Mingo County were unable to get Sheriff Blankenship to deputize employees of the operators so that any newly-deputized mine guards could protect both the coal property and the strikebreakers. Whether or not Blankenship had previously desired bribes from the coal operators, he only had two deputized sheriffs on a regular basis, and was (understandably) not about to break the current legislative law that prevented him from legally appointing mine guards to protect the property of the coal operators (Hunt, 1979).

The operators went to Governor Cornwell for assistance. An estimated five hundred state police were needed to calm the striking miners living in the tent cities. West Virginia only had seventy-five state police employees at the time. The National Guard was currently unavailable, leaving Cornwell with the U.S. Army as his only option. On August 28, 1920, the first of the U.S. Army force arrived in Mingo County to bring law and order to the area. The UMWA experienced the balance of power shifting back to the operators with the presence of the army, complaining that the army troops cleared the picketing strikers away from the strikebreakers. A point to note here is that the UMWA did not previously regard the strikers' harassment of strikebreakers as a problem, yet the union now complained about the army preventing the striking miners from picketing the strikebreakers.

Throughout October and November of 1920, the striking miners either shot at or killed mine guards or strikebreakers in several coal mines in Mingo County. They also blew up coal tipples, various homes, and a company store. They also killed three

policemen when a group was brought in to keep the peace. The striking miners were determined at all costs to win their right to unionize, and had no consideration for what their guerilla-like antics were creating amongst their region (Corbin, 1981).

Major Davis, who had proceeded over Kanawha County's martial law, was tasked with enforcing martial law in Mingo County. Davis forbade strikers from assembling together within the strike zone, forbade individuals from entering the tent cities unless they lived there, and allowed the strikers to be arrested without warrants for violating any of his orders. Over one-hundred individuals were imprisoned within a few days (Lee, 1969). Soon after, another mine war was about to ensue in another West Virginia county as instigated by the miners. Their next purpose was to ensure the release of the Mingo County prisoners. Before this next battle occurred, one more defining moment occurred relating to Sid Hatfield.

Hatfield and several miners were tried in January 1921 for the murder of the seven detectives. Most of the potential witnesses who could have testified on behalf of the Baldwin-Felts men were silenced out of fear except for one, Anse Hatfield (no relation to Sid), who was shot in the head while sitting on his porch before he could testify. The shot came from a distant rifle shooter hidden in a surrounding mountainside, yet was written off by the Matewan officials as a hunting accident (Lee, 1969, Velke, 1997). The remaining witnesses were four of the five Baldwin-Felts detectives who had survived the Matewan Massacre, C.E. Lively, and Matewan resident Dr. Wade Hill.

Lively testified that Sid Hatfield admitted to Lively that he killed Testerman so he could finally have the mayor's wife. Dr. Hill testified that he had just left his office when he witnessed Hatfield killing Albert Felts before the rest of the gunfire occurred. Dr. Hill

immediately relocated his business to another town, knowing that his life was in danger as a result of testifying against the miners. The jury voted unanimously for a "not guilty" verdict for Hatfield and the other miners, despite the testimony from the four mine guards and the two other witnesses who lived in Matewan who claimed that Sid Hatfield was guilty. It was widely believed that the jurors all feared for their lives if they were to convict Hatfield and the miners of the murders (Lee, 1969; Velke, 1997).

Meanwhile, another undercover Baldwin-Felts detective claimed to his employer that Ed Chambers, a close friend of Sid Hatfield's, had actually instigated and planned the massacre in Matewan, using Hatfield as the overt leader. The detectives made a point to themselves that both Chambers and Hatfield should be killed in revenge of the massacre (Lee, 1969). A separate shooting incident occurred along the Mingo County and McDowell County lines after Hatfield's trial. Hatfield and Chambers were indicted for the alleged offense and summoned to McDowell County to appear in court.

On August 1, 1921, Hatfield and Chambers arrived in Welch, located in McDowell County. As the two approached the courthouse, Lively and several Baldwin-Felts detectives (including one of the detectives who had escaped death at the Matewan Massacre) fired upon Hatfield and Chambers, killing them both instantly. Lively and the other murderers were later acquitted by a jury in McDowell County. It was believed that the coal operators controlled the jury in this trial since all of the witnesses to the murders were afraid to speak the truth of what they had witnessed (Lee, 1969).

The potential existed that Tom Felts was behind the murders of Hatfield and Chambers as a vengeful act against his two brothers' death. Velke (1997) shows that no firsthand evidence or documents exist show that Tom Felts had Hatfield and Chambers

murdered. In fact, after those two murders, the three acquitted detectives were fired from the Baldwin-Felts Detective Agency. The firing of these men did not matter to the miners. In Logan County, the miners there were already gathering to secure the release of miners who were prisoners in Mingo County. Now the miners also sought revenge of Sid Hatfield's death.

Chapter 8: Logan's Trouble

In Logan County, miners gathered in preparation to march into neighboring Mingo County by going over Blair Mountain in Logan County. The march consisted of miners whose desire was to unionize their coal fields, to release the miner prisoners in Mingo County, to avenge Sid Hatfield's death, and to eradicate the sheriff of Logan County, Don Chafin, from his position of authority.

Chafin was despised by the coal miners for his corrupt manners and his abuse of authority. According to Hunt (1979)

The sheriff of Logan County, Don Chafin, ruled with an iron hand, enforcing the open-shop for the operators....The operators supplied Chafin all the money he needed to run his political organization and to hire deputy sheriffs....No stranger entered Logan County without Chafin first establishing his identity and business. If he did not pass scrutiny, Chafin and his deputies slugged him and sent him out of the county on the first train (p.122).

Chafin literally ruled the county to his pleasure and over-extended his authority over the miners not just for the sake of the coal operators, but also for his own desire for power. He had even used his own deputized men in replacement of the Baldwin-Felts mine guards and employed up to three hundred men (Lee, 1969; Lon Savage, 1990).

On August 7, 1921, less than a week after Sid Hatfield's death, Mother Jones gave another one of her famous vulgar and inciting speeches to a few thousand miners at the state capitol. The UMWA's District 17 President, Frank Keeney, also urged the

miners to get their rifles and be prepared to rendezvous on August 20 for the march. On August 24, Mother Jones disappeared forever from the West Virginia coal field scene. After consulting with West Virginia Governor E.F. Morgan, she learned that the leaders of the march, Keeney and Fred Mooney, were going to be arrested and tried for treason if the march continued. On behalf of Morgan's request, Mother Jones attempted to stop the miners. She pretended to read a telegram from President Warren Harding that ordered the miners to go home or federal troops would arrive to stop them. At the urging of some in the mob, Keeney asked to see the telegram. Mother Jones refused and left, never to return to West Virginia again. Shortly after, Keeney had verified with the White House that Mother Jones had never received such a message (Hunt, 1979; Lee, 1969; Savage, 1990). Her reputation among the miners never recovered after they believed her to be a traitor.

The same day that Mother Jones had attempted to disband the marching miners, the gathering of miners was completed, and 6,000 well-armed men prepared to march sixty-five miles through Logan County, hoping to claim Chafin as their first conquest. Governor Morgan asked President Harding for a back up of federal troops. Instead, Harding issued a proclamation that warned the miners that they were in armed rebellion against the State of West Virginia and were to immediately desist from their assembly. General H. H. Bandholtz was sent to West Virginia and conferred with Governor Morgan and Keeney to disband the miners. The next morning, Bandholtz witnessed Keeney encourage the miners to return home and then went back to Washington himself (Lee, 1969; Savage, 1990).

Bandholtz returned to Washington on August 27, while Chafin recalled his men away from Blair Mountain the night of August 26 after he learned that Keeney and Mooney had sent the marching miners back to their homes. Keeney's (and Mooney's) decision to end the march did not reach all of the miners in a timely manner. The night of August 26, armed miners commandeered a train by forcing an engineer for the C & O Railroad Company to transport them to the battle ground. Late that night, after sending his own men home, Chafin heard of the commandeered train and once again gathered his men to Blair Mountain.

Governor Morgan had specifically instructed Chafin to hold the line on Blair Mountain and not to advance. However, the governor had also granted him permission to arrest miners who on August 12 had disarmed two state policemen and two of his deputies. Chafin called the commander of the state police on duty in Mingo County and asked for assistance, which he provided (Hunt, 1979, p.129).

Chafin's ally, Captain J. R. Brockus of the state police, arrived the next day with ninety of his own men to perform the arrests. Brockus may have had plans beyond what Governor Morgan had instructed of Chafin to do. "State Police had a score to settle before the end of the miners' march. They still remembered the incident in early August...when a mob of fifty union miners captured, disarmed, and humiliated several state policemen and deputy sheriffs" (Savage, 1990, p.102).

During the encounter, fighting naturally ensued from the mounting tension. Historically, no one knows which side fired the first shot. Brockus claimed the miners fired their weapons first, while the miners claimed that Chafin's men fired first. In either

case, the shootings instigated the march to go on again. The miners restarted their march the next day, without their elected union leaders, with the intention to take over Chafin's reign (Hunt, 1979; Lee, 1969; Savage, 1990).

The miners proceeded to their destination, robbing stores along the way of all ammunition and food. They began a habit of commandeering trains to transport themselves to their desired battle locations faster. In fact, "they commandeered every kind of transportation: automobiles, trucks, teams of horses and mules, trains" (Savage, 1990, p.108). They performed these actions all at gunpoint upon innocent civilians. Bill Blizzard, the union President of Sub-District 2 that was located in Paint Creek and Cabin Creek, led the miners this time. Within a day and a half after Chafin's men had allegedly attacked the union miners, Blizzard led the marching miners to the base of Blair Mountain. They were now in a rugged terrain that divided the miners from Chafin's region in Logan County. Chafin immediately called out his fellow friends in the non-union coal regions and asked for their assistance. He soon had three thousand men, many of whom were former soldiers of World War I while others were Baldwin-Felts mine guards and deputy sheriffs from other areas. He also was supported by about one-hundred and fifty state police. Chafin's men set up a defense that was fifteen miles long as they waited for the miners to approach (Lee, 1969; Savage, 1990).

By August 31, Keeney and Mooney were unable to control the marching miners. The two union leaders faced resentment from the miners for the leaders' prior attempt to disband the march a week earlier. The marchers were too angry at the shootings that occurred with Chafin's and Brockus' posse. Keeney and Mooney took off to Ohio to

avoid the miners' anger toward them and to avoid facing possible indictments against them in Mingo County for misdemeanors and murder (Hunt, 1979).

Governor Morgan requested help from President Harding again. Bandholtz was sent back to West Virginia to carry out the preliminary proclamation from President Harding. The proclamation ordered the miners to disband their march and to return home, and if they did not do so, then they would face federal troops that would be sent in. Bandholtz relayed to Harding that he would need federal troops to quell the current insurrection. Miners approached their advanced positions on September 1, and the major fighting commenced on September 3. General Bandholtz arrived later that same afternoon with two thousand federal troops and successfully ordered both sides to cease fire. By September 4, the army had successfully disarmed the miners and sent 5,400 of them back home. Not surprisingly, the miners only surrendered four hundred guns to the army while hiding the majority of their weapons in the mountainside. The entire time, the army did not have to fire a single shot (Hunt, 1979; Lee, 1969; Savage, 1990).

Martial law was not actually proclaimed, per Harding's preliminary proclamation, because Bandholtz knew that since the miners complied and dispersed, it was not a legal act to declare martial law. Bandholtz rightfully refused to arrest the miners as well, despite Morgan's request that Bandholtz do so, because martial law had not been declared and it was therefore not a military zone in which federal troops could arrest citizens on behalf of the state (Hunt, 1979). According to Savage (1990), the miners had no intentions of fighting against federal troops, especially since many of the miners had served in World War I and had felt a special camaraderie with them. Miners were not angry at federal troops, but at coal operators and Chafin.

When Keeney and Mooney returned to West Virginia to face their potential prosecution, UMWA President John L. Lewis asked Governor Morgan for an assurance of their safety, not wanting an adverse incident to occur to the two union men as what had occurred to Sid Hatfield. Morgan, in a telegram back to Lewis, claimed that Lewis's silence during the battle on Blair Mountain and afterward was an indication that Lewis had silently endorsed the miners' march (Hunt, 1979).

When the Mingo County strike finally ended in October 1922, the miners found work in the same coal fields from where they came, or they moved on to other towns. The strike was a failure, and the miners lived in tent cities in vain, for they could have remained in company homes and in better comfort while remaining employed. Keeney, Mooney, Blizzard, other union leaders, and seven hundred and thirty-five marchers were indicted for treason against the State of West Virginia and various murder charges.

That many of these indictments were justified cannot be gainsaid. The enterprise was levying war against the State of West Virginia and its constituted authorities, and hence was treason within the constitutional meaning of that term. Therefore, the union leaders who instigated the uprising, and all those who took part in it, were guilty of treason. And, inasmuch as the undertaking was unlawful in its purpose and resulted in numerous killings, they were also guilty of murder (Lee, 1969, p.104).

Lee believes that the miners were not very likely to have been able to comprehend that they were actually fighting against the State of West Virginia. They believed that they were fighting for their rights to unionize, and for the rights of the Mingo County prisoners, and against Don Chafin's reign in Logan County. However, according to the

US Coal Commission, only fifteen percent of the miners were illiterate in West Virginia by 1920 (Hunt, et al, 1923), a sharp decline in the illiteracy rate since the nineteenth century. The miners should have known better.

The trials began in June 1923. First to be tried was Blizzard. The UMWA held public demonstrations day and night outside of the court. When Blizzard was acquitted, a public demonstration immediately occurred, parading Blizzard as a hero. When Keeney was later acquitted of all charges, the coal operators had their attorneys dismiss all remaining charges against the miners and the union. Lewis, who was the national President of the UMWA during the battle at Blair Mountain, dismissed Keeney, Mooney, and Blizzard from their union positions after the trials, claiming that he had not once supported the miners' march (Lee, 1969).

Chapter 9: Where Power Resided

There is no doubt that grievances among the miners existed against the coal operators in Mingo and Logan counties. The goal of this discussion, like that of the Kanawha County mine wars, is to discover who had the power behind the back-to-back mine wars. The CCF was discussed at length regarding Kanawha County's mine wars. Historical resources do not overtly mention the CCF as being any sort of fractional contributor to the later mine wars as the organization was pointedly referred to during Kanawha County's mine wars. Nor does the absence of mention of the CCF mean that the CCF had any involvement this time around with the UMWA and West Virginia coal field troubles. It is known that the UMWA was overtly involved as the organization went into Mingo County knowing that the local police authorities there (Hatfield and Blankenship) would allow the union to engage with the miners.

The coal operators of Mingo County entrusted their power to the state legislature, whether it was with the courts to receive injunctions against the UMWA or with Governor Morgan to quell the rising collective anger among the miners. To reiterate a brief mention of a theory by Max Weber in Chapter One, domination is given to those individuals with whose interests the legal system and laws are in accordance. The Mingo County coal operators were not in the power struggle alone.

Regarding knowing when power is at work, Lukes (2005) states:

We should search behind appearances for the hidden, least visible forms of power...that means that the power of the powerful is to be viewed as ranging across issues and contexts, as extending to some unintended

consequences and as capable of being effective even without active intervention. And, since such power consists in the ability to bring about significant outcomes, that means that power as domination will be present wherever it furthers, or does not harm, the interests of the powerful and bears negatively upon the interests of those subject to it (p.86).

It appears from the events during the Matewan Massacre and after the massacre that Sid Hatfield possessed the hidden power, the third dimensional concept of power. The miners and other Mingo County constituents followed his lead. That Hatfield was capable of leading the miners to go into waiting, hiding among the buildings of Matewan as they waited to fire their weapons and commit murder upon the Baldwin-Felts men, evidences a strong coercive power of the miners' minds. The miners did not question the plan of attack, knowing that a mass murder was planned. It was the Baldwin-Felts detectives who were subject to Hatfield's power, even though the detectives thought that they had the power over the Matewan residents as they were evicting the miners from the company houses.

The fact that Hatfield walked away from a murder trial on an acquittal is a statement of the power he had in Mingo County. The whole county was on Hatfield's side, and if anyone chanced to testify against Hatfield, then the person was murdered or forced to leave the county out of fear for his life. When Hatfield himself was murdered in McDowell County, he became a martyr for the miners, who added the revenge of Hatfield's death to the purpose of their Logan march.

The twist of fate upon Hatfield in McDowell County shows a personal power struggle between the Baldwin-Felts men and Hatfield as a result of the Matewan

Massacre. The power used in McDowell County, where Hatfield and Chambers were murdered on the steps of the courthouse, was one-dimensional power. At the same time, little is mentioned of the influence over the jurors in the allegedly operator-controlled McDowell County compared to the overt pressure placed upon the jurors during Hatfield's trial, and no potential court witnesses of Hatfield's and Chambers's deaths were murdered like Anse Hatfield had been. In consideration that no witnesses of the McDowell murders spoke out on behalf of the victims (Lee, 1969), the second dimension of power is quite possibly applicable here. In the second dimension, those people who are in power make the rules, and those people who follow the rules that are made are initially crowded out from the decision-making process in such a manner that their grievances are not heard. Therefore, in allowing for the potential of the second dimension of power to apply to the events of McDowell County, it is possible that there were witnesses who would have spoken on behalf of the two murdered men, but did not do so out of fear.

The UMWA exercised its influence over the miners while the Mingo County strike carried on after the Matewan Massacre and during the Logan County battle. Unlike the collective efforts of the UMWA to lead the miners in a battle against the operators and Baldwin-Felts guards during the first Paint Creek and Cabin Creek war, Mingo County's war started in a significantly different historical context. Although the UMWA instigated the miners to go on strike, Sid Hatfield led the miners into starting the bloody feud without the assistance of the UMWA. Hatfield was perhaps the most responsible and the most influential factor in Mingo County's mine wars. The possibility

lingers that had the Matewan Massacre not occurred, then the Mingo County strike (which led to the Logan County strike) may not have ever evolved into violence.

In Logan County, the third dimension of power is the least observable in considering the Battle of Blair Mountain. The coal operators in Logan County exercised the third dimension of power through Chafin. The operators supplied Chafin with all of his material needs to keep the union out of the county and to keep the miners in obedience. The operators even allowed Chafin to hire his own mine guards as he ridded the county of the operator-favored Baldwin-Felts detectives. It was Chafin whom the miners despised, when the operators were responsible for Chafin's behavior by paying him large sums of money to run Logan County in any manner that he desired. There was no reign of terror from the three or four mine guards who managed all of the Paint Creek and Cabin Creek districts just eight years prior. Yet Chafin was allowed to use several hundred men of his own choosing to control Logan County. Kanawha County's Baldwin-Felts mine guards were a peaceful part of the company town's society before the mine wars occurred in 1913. Yet Logan County's Sheriff Chafin and his several hundred mine guards (again, they were not Baldwin-Felts detectives) were feared by the miners. The lack of instilling a peaceful atmosphere in the company towns of Logan County was the doing of the operators. The coal operators had the ultimate power, unseen as it was, and deliberately allowed Chafin to be their showman in Logan County as they remained silent.

Governor Morgan's accusation against the UMWA President John L. Lewis, that Lewis's silence during the Logan march was actually an endorsement, is possibly correct. The UMWA national leadership was conspicuously absent from the Battle of Blair

Mountain, even after the UMWA had sent in union recruiters into neighboring Mingo County the year prior. According to Lee (1969), “At least one national officer of the miners’ union shared in responsibility for the uprising. Vice-President Philip Murray ... secretly visited the battle front and gave encouragement to the criminal undertaking” as Murray later relayed to a Senate committee (p.101). Moreover, Melvin Dubofsky and Warren Van Tine (1997) claim that the UMWA financed District 17’s Keeney and Mooney so that the two leaders could unionize Mingo and Logan Counties. Lewis therefore was aware of the attempts made by the two District 17 leaders to organize the area. Lewis may not have approved of the Logan march, but his position as the UMWA’s national president placed much of the ultimate responsibility upon him to at least make attempts to stop the march. According to Lee (1969), Lewis was angry with Keeney and Mooney for leading the initial Logan march without consulting him first. Still, the national leadership of the UMWA appears to have exercised the third dimension of power during the Battle of Blair Mountain either by silence or by covertly encouraging the march.

It is likely that Blizzard had the use of the third dimensional power over the miners to lead them back into the march and to Blair Mountain against a presidential proclamation. The miners, perhaps, were actually not aware that their actions were treason against the State of West Virginia. However, they were aware that commandeering transportation and firing guns upon others during the battle were wrong actions to commit. Blizzard is attributed with possessing the leadership capacity to have led the miners into such acts. Yet during Blizzard’s court trial in June 1923, the UMWA gathered public support by the organization’s public façade. The union members played

religious songs on a phonograph just outside the courthouse both before and after court was in session, and then followed their singing with a sermon. Their goal was to convince the public that they were God-fearing men, even though just months prior these union men commandeered transportation vehicles and fired weapons to commit murder at Blair Mountain. Further, just as in Anse Hatfield's case, two of West Virginia State's main witnesses were murdered (Lee, 1969). Soon after Blizzard's acquittal, it was publicly revealed that one of the jurors had accepted a bribe to give Blizzard a "not guilty" vote.

Power had changed hands several times between the coal operators and the UMWA throughout the Logan County. The operators had the backing of the state legislature for their power struggle, but the operators did not possess power over the public, who actively participated in the law process as jurors and had the power to acquit the UMWA men.

Epilogue

The common belief that West Virginia's "peculiar people" were taken advantage of by absentee landowners who charged into the state and manipulated, cheated, and stole the land from the local citizens has been disputed by recent historians who searched through stored boxes of documents and court records to ascertain the truth regarding the transfer of the land titles. Of course, some people were cheated from their land; situations such as these were the exception and not the rule. Many of the disputes over the land titles occurred between opposing families of affluence. Those well-known "hillbillies" actually were not in a financial position to own land to begin with. Compared to the emerging industrial areas of America, the West Virginians lived in poverty as they managed by themselves to make a subsistence living while searching for odd jobs as best they could.

The expanding coal mine industry provided the propertyless people with an opportunity to experience a better way of life. The miners and their families were provided with housing, schools, churches, and local stores to purchase their daily amenities. The company towns provided the mountainous dwellers with a social life and most often better housing than from where they had come from. The company town schools were probably one of the best assets to the coal towns for miners who had school-age children. Isolation would no longer be problem for a child in a company town to attend school. Still, a common myth remains that the West Virginia mine wars were the result of oppressive living arrangements and work conditions imposed by the coal operators upon the miners.

In light of West Virginia's obtaining nearly 23% of the coal market by 1913 (compared to 1% in 1898), the CCF attributed this gain to the fact that the overwhelming majority of West Virginia's coal fields were non-union. The US Coal Commission claimed that this was a misconception. The commission attributed West Virginia's coal fields' gain in the coal market as being in part a "natural rapid growth of young districts as opposed to the stationary or even declining production of districts where available coal had been thoroughly staked out years ago" (Hunt et al., 1925, p.233). Also, the railroads offered the West Virginia coal fields lower shipping rates in order for the railroads to generate more business along the newly built Appalachian routes. With these factors, the commission still admits that the West Virginia coal fields did take advantage of the opportunities to pay lower wages to their non-union coal miners.

The power struggle between the absentees and the West Virginia settlers and between the miners and the coal operators is recorded in history with several voices favoring the side of the settlers and of the miners. The application of Lukes's third-dimensional view of power to the events in West Virginia's history provides a new perspective, which hints at the possibility that the settlers were not the victims of greedy absentees and that the miners were not the victims of oppressive coal operators. It just might be possible that the majority of the absentees acted in accordance with the land laws. It is also possible that the miners were actually more so the victims of the CCF and the UMWA's desire to conquer the West Virginia coal fields, and not the victims of the operators. The alternate conclusions to history are solely up to the reader to accept or to discard.

Not all was lost for the UMWA. Although the union was forbidden by law to attempt to organize the non-union coal fields of West Virginia throughout the 1920s, circumstances soon changed under President Franklin D. Roosevelt's New Deal. The Norris-LaGuardia Act was passed in 1932 that stated that yellow-dog contracts could no longer be enforced by the court systems. Congress passed the National Industrial Recovery Act (NIRA) in 1933, which stated that employees had a guaranteed right to collective bargaining with their employers.

UMWA President John L. Lewis sent UMWA organizers into West Virginia's coal fields soon after the NIRA was passed. In September 1933, the first union contract was signed between large numbers of West Virginia coal operators and the UMWA in what is known as the Appalachian Agreement. It covered 314,000 union men from eastern Kentucky, Tennessee, West Virginia, Ohio, Pennsylvania, and Virginia. Whereas half of the CCF operators were a part of this new agreement, Illinois and Indiana operators were covered in other agreements (Hunt, 1979).

Mine guards were used in West Virginia coal counties until 1934, when unions were legalized and the mine guards were no longer necessary. As a result of the Paint Creek and Cabin Creek strikes, the state legislature made it illegal for any person to deputize mine guards as sheriffs in the coal towns. However, since 1913 and again since the law was amended in 1921 after the Mingo County strikes, the coal operators blatantly ignored the law. They reasoned that although it was against the law, there were no penalties for violating the legislature's decision to abolish the mine guard system (Lee, 1969). It was not until 1935 that the state legislature added penalties to the existing law. But by then, mine guards were no longer needed.

The National Labor Relations Act, also known as the Wagner Act, was passed in 1935. The act outlawed company-created unions and allowed for the formation of unions by majority vote of the workers. The latter unions would then have to be recognized by employers as legitimate unions and as the representative bargaining agent for the employees.

Perhaps Weber's theory was correct all along: that those whom the legislative authorities favor are the constituents who have the power.

Endnotes

ⁱ Despite President Abraham Lincoln's Emancipation Proclamation on January 1, 1863, Union states did not have to oblige. During the West Virginia Constitutional Convention that concluded in 1863, an emancipation clause was included to gradually free all of the slaves in the state. On February 3, 1865, all slaves in the state were emancipated by an act abolishing slavery in West Virginia (Callahan, 1913).

ⁱⁱ The chart used by Trotter contained the population numbers rounded to the first decimal. The numbers mentioned in this current discussion reflect the same numbers as provided by Trotter with one exception – the numbers used in this observation have been rounded to the nearest whole number in order to eliminate fractions.

ⁱⁱⁱ Check weighmen had a position to measure the coal and to ensure honest scales were used. The 1901 West Virginia legislature allowed miners to employ check weighmen of their choice by a majority vote. If the miners collectively opted out of employing their own check weighmen, then the company-appointed check weighmen were to be considered efficient for the purposes of weighing coal. Miners often objected to the employment of their own check weighmen because they would have to pay for the man's wages out of their own paychecks.

^{iv} The job of the check weighmen also entailed the proper docking of weight from loads of coal from the miners if there were impurities (of other types of rock) in the coal that the miner had not removed prior to loading the coal into the cars.

^v The use of labor espionage was legal until 1939, when Senate Bill 1970 prohibited the act by employers.

^{vi} “As the employees were the only ones who were furnished homes, and their occupancy was contingent upon their employment, the courts of the state have decided that the relation of landlord and tenant did not exist, but that it was the relation of master and servant and when the employment ceased the mine owner came into possession of the house. Thus the position of the miners in company-owned houses is anomalous. They are not tenants and have no more rights than a domestic servant who occupies a room in the household of the employer” (Hunt et al., 1925, p.236).

^{vii} Shortly after the settlement that was bargained by Governor Hatfield, the coal operators blacklisted about 150 miners who were believed to have incited much of the violence that occurred during the strikes (Hunt, 1979).

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